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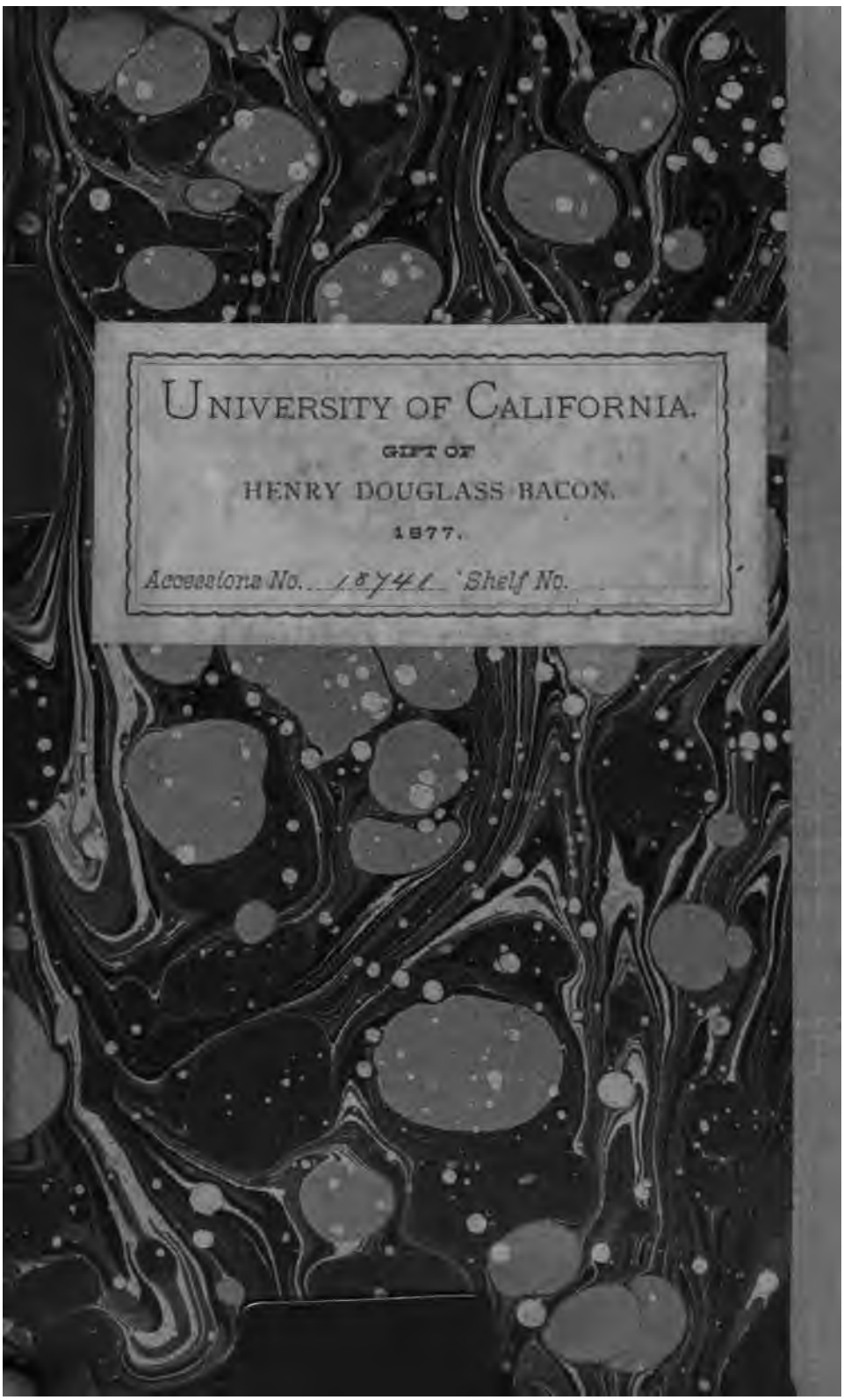
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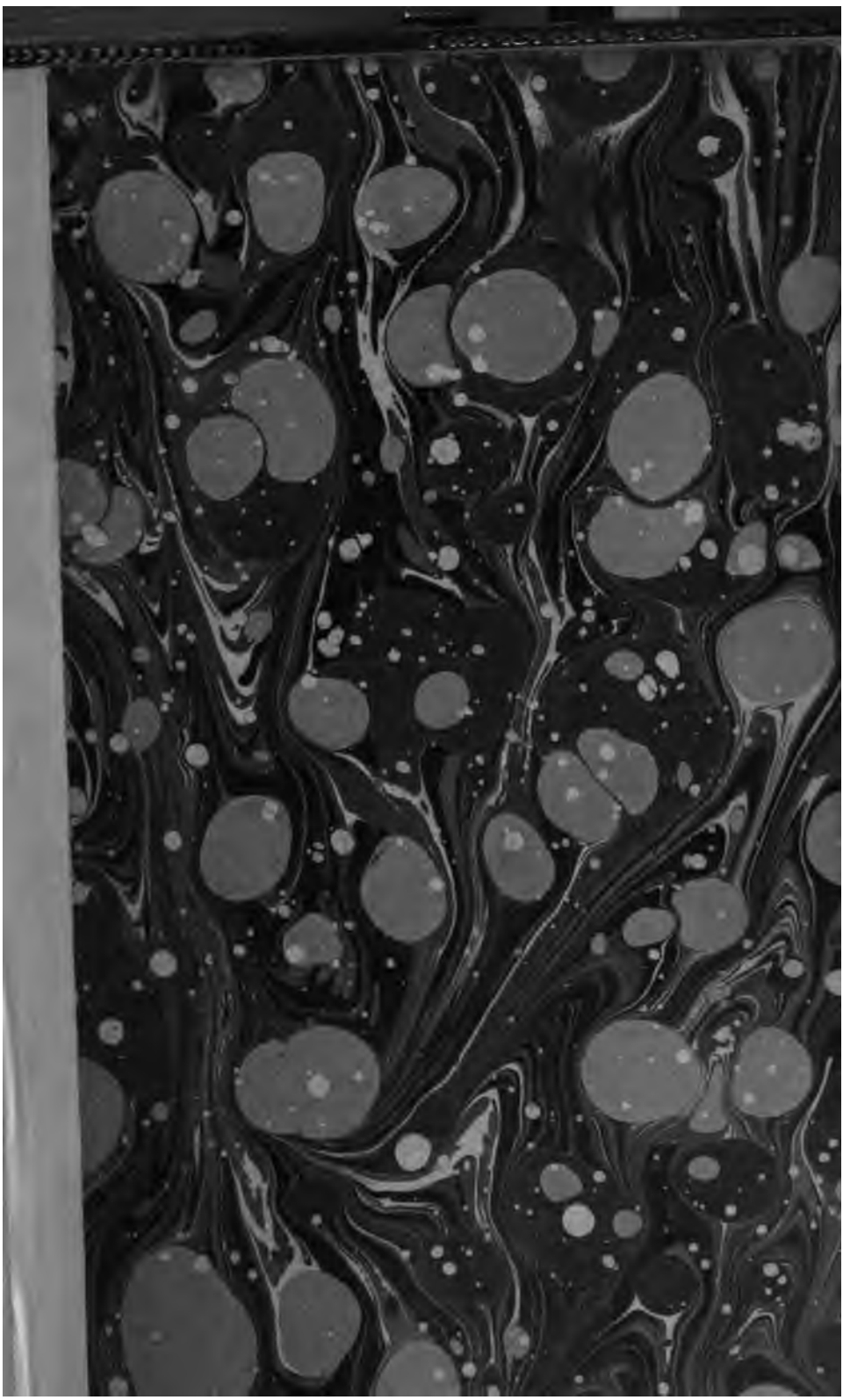

THE

WHOLE WORKS

OF THE

RIGHT REV. JEREMY TAYLOR, D.D.,

LORD BISHOP OF DOWN, CONNOR, AND DROMORE:

WITH A LIFE OF THE AUTHOR,

AND A CRITICAL EXAMINATION OF HIS WRITINGS

BY THE

RIGHT REV. REGINALD HEBER, D.D.,

LATE LORD BISHOP OF CALCUTTA.

REVISED AND CORRECTED

BY THE REV. CHARLES PAGE EDEN, M.A.,

FELLOW OF ORIEL COLLEGE, OXFORD.

IN TEN VOLUMES.

VOL. IX.

EDITED

BY THE REV. ALEXANDER TAYLOR, M.A.,

MICHEL FELLOW OF QUEEN'S COLLEGE, OXFORD.

DUCTOR DUBITANTIUM—PART I.—CONTAINING BOOKS I. AND II.

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THE editor of the preceding volumes of Jeremy Taylor's works having ceased to reside in Oxford, the care of preparing for the press the *Ductor Dubitantium* has devolved, at his suggestion, upon the Rev. Alexander Taylor, M.A., Michel Fellow of Queen's college, who had already assisted largely in verifying the author's references. Mr. Eden hopes to be able to edit the last volume (vol. i. of the series) containing the Life, Indexes, and some minor works. His name is retained uniformly on the *general* title-page of all the volumes, though his share in the present work in particular has been limited to once reading over the sheets in their passage through the press.

DUCTOR DUBITANTIUM,

OR,

THE RULE OF CONSCIENCE

IN ALL HER GENERAL MEASURES;

SERVING AS A GREAT INSTRUMENT FOR THE DETERMINATION OF

CASES OF CONSCIENCE.

IN FOUR BOOKS.

BY THE

RIGHT REV. JEREMY TAYLOR, D.D.,

LORD BISHOP OF DOWN, CONNOR, AND DROMORE.

Σοφία πανούργων ἐπιγνώσεται τὰς ὁδοὺς αὐτῶν· ἄνοια δὲ ἀφρόνων ἐν πλάνῃ.—
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EDITED

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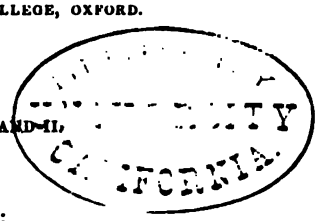

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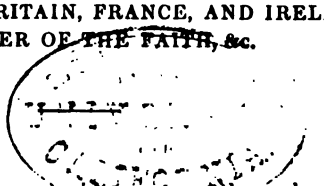
45. Whether a council or the doctors of the church can give sufficient authority to tradition . . . . . c. III. r. xiv. § 42. p. 632
46. What authority an uninterrupted succession from apostolical men can give to a tradition . . . . . c. III. r. xiv. § 43. p. 633
47. Whether it be lawful to defer baptism till near death . . . . . c. III. r. xvi. § 1. p. 659
48. Whether a man be bound to weep as often as he thinks of his sin . . . . . c. III. r. xvi. § 36. p. 680
49. Whether the bishop that ordains, or he that is ordained, or they that choose do sin, if the bishop be unfit . . c. III. r. xviii. § 1. p. 689

TO

THE MOST SACRED MAJESTY OF

CHARLES II.,

KING OF GREAT BRITAIN, FRANCE, AND IRELAND,
DEFENDER OF THE FAITH, &c.



GREAT SIR,

THE circles of the divine providence turn themselves upon the affairs of the world so that every spondel of the wheels may mark out those virtues which we are then to exercise; and every new event in the economy of God is God's finger to point out to us by what instances He will be served. We have been sorely smitten and for a long time; for (that I may use the words of the prophet[a]) "Alas, for that day was great, so that none was like it, it was even the time of Jacob's trouble;" and then faith and patience, and all the passive graces of religion were in their own season. But since God hath left off to smite us with an iron rod, and hath once more said unto these nations, "They shall serve the Lord their God, and David their king whom I have raised up unto them[b];" now our duty stands on the sunny side; it is our work to rejoice in God and in God's anointed, and to be glad, and worthily to accept of our prosperity is all our business: for so good a God we serve that He hath made it our duty to be happy, and we cannot please Him unless we be infinitely pleased ourselves. It was impossible to live without our king, but as slaves live, that is, such who are civilly dead, and persons condemned to metals; we lived to the lusts and insolency of others, but not at all to ourselves, to our own civil or religious comforts. But now our joys are mere and unmixed; for that we may do our duty and have our reward at once, God hath sent your majesty amongst us, that we may feel the pleasures of obedience, and reap the fruits of that government which God loves and uses, which He hath constituted and adorned, which He hath restored to us by a

[a] [Jer. xxx. 7.] [b] [vers. 9.]

conjugation of miracles, by the work of His hand and the light of His countenance, by changing the hearts of men, and scattering the people that delight in war, by infatuating their counsels and breaking their cords asunder; that is, which He himself hath wrought amongst us by Himself alone, and therefore will bless and will never interrupt: only we must be careful never to provoke Him any more by our unthankfulness and infidel apostasy.

But now, great sir, be pleased to give me leave in the throngs of those that rejoice to see the goodness of God to His servant Job, in imitation of them who presented him with every man an ear-ring of gold, and a piece of silver, or a lamb[c], to bring also my offering, the signification of my joy. For though it be but two books, which like the widow's two mites make up but a contemptible sum; yet because it is all I have, your majesty may be pleased to accept: and so much the rather, because it is also an expression of that part of the duty of my calling which hath fallen to my share. For your majesty, like the king in the gospel, hath been in a far country, and some of your citizens sent after you, and said, *Nolumus hunc regnare*[d]; but God hath caused you to return and reign: and if your majesty should by that example call us to render an account of our talents, I can only say, that amongst those many excellent persons who have greatly improved theirs, I was willing to negotiate and to labour. What fruit will from hence accrue to souls is wholly in the hands of God, but this semination and culture was much wanting in the reformed churches: for though in all things else the goodness of God hath made us to abound, and our cup to run over; yet our labours have been hitherto unemployed in the description of the rules of conscience, and casuistical theology. In which because I have now made some attempt, if the production be not unworthy, I am sure it is not improper to lay it at the feet of your majesty. For your majesty being by God appointed *custos utriusque tabulæ*, since like Moses you are from God descended to us with the two tables of the law in your hand, and that you will best govern by the arguments and compulsory of conscience, and this alone is the greatest firmament of obedience; whatsoever can be the measure of conscience *est res fisci*[e], is part of your own propriety, and enters into your exchequer.

Be pleased therefore, gracious sir, to accept this instance of my duty to God, to your majesty, and to your great charge, the church of England. There are in it many things intended for the service, but nothing to disserve any of these great interests. Those cases that concern the power and offices of ecclesiastical superiors and supreme, were (though in another manner) long since done by the incomparable Mr. Hooker[f], and the learned archbishop of Spalato[g]:

[a] קְשִׂיטָה [Job. xlii. 11.—See Gesenius *ad voc.*]
[d] [Luke xix. 14.]
[e] [Vid. Juv. sat. iv. 55.]
[f] Lib. vii. viii. of ecclesiastical polity.
[g] [Marcus Antonius de Dominis, archiepiscopus Spalatensis] Lib. viii. de rep. eccles.

but their labours were unhappily lost, and never saw the light[h]. And though I cannot attain to the strength of these champions of David and guardians of the temple, yet since their portion of work is fallen into my hand, I have heartily endeavoured to supply that loss; though with no other event, but as charitable passengers by their little but well-meaning alms repair the breaches of his fortune who was greatly undone by war or fire. But therefore I humbly beg your majesty's pardon in all things where my weaknesses make me to despair of your more gracious acceptance: and here I am therefore to be confident, because your mercy is, as your majesty, this day in her exaltation, and is felt by all your subjects; and therefore humbly to be hoped for by

Great sir,

Your majesty's most dutiful and most obedient subject,

JEREMY TAYLOR.

[h] [The seventh book of Hooker's work was first published in 1662: see Mr. Keble's preface to his edition.]

THE

PREFACE.

THE reformation of religion in the western churches hath been so violently, so laboriously, so universally opposed by evil spirits and evil men, by wilfulness and ignorance, by prejudice and interest, by error and partiality; and itself also hath been done so imperfectly in some places, and so unskilfully in some others, because the thick and long incumbent darkness had made it impossible to behold the whole light in all its splendour; that it was found to be work enough for the ministers of religion to convince the gainsayers, to oppose their witty arts by the advantageous representment of wise truths, so to keep the people from their temptations. But since there were found not many able to do this but such which had other cures to attend, the conduct of souls in their public and private charges, and the consequent necessity of preaching and catechising, visiting the sick, and their public daily offices; it was the less wonder that in the reformed churches there hath been so great a scarcity of books of cases of conscience: though it is not to be denied but the careless and needless neglect of receiving private confessions hath been too great a cause of our not providing materials apt for so pious and useful a ministration. But besides this, it is certain that there was a necessity of labouring to other purposes than formerly: and this necessity was present and urgent, and the hearts and heads of men ran to quench that fire, and left the government of the house more loosely, till they could discern whether the house would be burnt or no by the flames of contention which then brake out: only this duty was supplied by excellent preachings, by private conferences, by admonitions and answers given when some more pious and religious persons came to confessions, and as they were upon particular occasions required and invited. But for any public provisions of books of casuistical theology, we were almost wholly unprovided, and like the children of Israel in the days of Saul and Jonathan, we were forced to go down to the forges of the Philistines to sharpen every man his share and his coulter, his axe and his mattock. We had swords and spears of our own, enough for defence, and more than enough for disputation: but in this more necessary part of the conduct of consciences we did receive our answers from abroad, till we found that our old needs were sometimes very ill supplied, and new necessities did every day arise.

Some of the Lutherans have indeed done something in this kind which is well; Balduinus[a], Bidenbachius[b], Dedekanus[c], König[d], and the abbreviator of Gerard. Some essays also have been made by others, Alstedius[e], Amesius[f], Perkins[g], and the late eloquent and reverend bishop of Norwich[h]. But yet our needs remain, and we cannot be well supplied out of the Roman store-houses; for though there the staple is, and very many excellent things exposed to view; yet we have found the merchants to be deceivers, and the wares too often falsified. For

1) If we consider what heaps of prodigious propositions and rules of conscience their doctors have given us, we shall soon perceive that there are so many boxes of poison in their repositories under the same paintings and specious titles, that as it will be impossible for every man to distinguish their ministries of health from the methods of death; so it will be unsafe for any man to venture indiscriminately. For who can safely trust that guide that teaches him 'that it is no deadly sin to steal, or privately against his will and without his knowledge to take a thing from him who is ready to give it if he were asked, but will not endure to have it taken without asking[i];' 'that it is no theft[k] privately to take a thing that is not great from our father;' 'that he who sees an innocent punished for what himself hath done, he in the mean time who did it, holding his peace, is not bound to restitution[l];' 'that he who falls into fornication, if he goes to confession, may the same day in which he did fornicate receive the communion[m];' 'that communion is manducation, and therefore requires not attention[n];' 'that he who being in deadly sin receives the holy communion commits but one sin, viz. that against the dignity of the sacrament; and that the omission of confession is no distinct sin[o],' meaning, amongst them who believe confession to be of divine institution? As bad or worse are those affirmatives and doctrines of repentance, 'a dying man is not tied to be contrite for his sins, but confession and attrition are sufficient[p]:' and that we may know what is

[a] [Frid. Balduinus, Tractatus posthumus de casibus conscientiæ, 4to. Witteb. 1628.]

[b] [Bidembachius, (Felix) Consilia theologica, ed. 4to. Witteb. 1612.]

[c] [Dedekennus, (Georg.) tractatus de peccatorum causis, &c. 8vo. Hamb. 1611.]

[d] [König, (Georg.) Casus conscientiæ miscellaneæ, in sex capitibus doctrinæ catecheticæ occurrentes, 4to. Altdorff, 1654.]

[e] [Summa casuum conscientiæ nova methodo elaborata, per Johannem Henricum Alstedium, 12mo. Franc. 1628.]

[f] [Gulielmi Amesii de conscientia, et ejus jure, vel casibus, libri quinque, ed. nova. 12mo. Oxon. 1659.]

[g] ['The whole treatise of the cases of conscience, distinguished into three books, taught and delivered by M. W. Perkins, in his holy-day lectures,' &c. 4to. Lond. 1611.]

[h] ['Resolutions and decisions of divers practicall cases of conscience in continuall use amongst men, very necessary for their information and direction,' by J[oseph] H[all]. B[ishop of] N[orwich. 8vo. Lond. 1649.]

[i] Eman. Sa., aphor. v. 'Furtum.' [p. 161.]

[k] [Prov. xxviii. 24.]

[l] Idem. v. 'Restitutio.' [§ 38. p. 335.]

[m] Diana, De euchar. in compend. n. 30. [p. 280, 281.]

[n] n. 31. [p. 281.]

[o] n. 32. [p. 281.]

[p] Idem de pœnit. n. 3. [p. 576.]

meant by attrition, we are told 'it is a sorrow for temporal evil; disgrace or loss of health, sent by God as a punishment, or feared to be sent[q];' this alone is enough for salvation, if the dying man do but confess to the priest, though he have lived wickedly all his life-time. And that we need not think the matter of confession to be too great a burden, we are told, 'he that examines his conscience before confession, sins if he be too diligent and careful[r].' But as for the precept of having a contrite and a broken heart, 'it binds not but in the article or danger of death: nor then, but when we cannot have the sacrament of penance[s].' To these may be added those contradictions of severity for the securing of a holy life; that 'if a man purpose at the present to sin no more, though at the same time he believes he shall sin again, (that is, that he will break his purpose,) yet that purpose is good enough:' 'that it is not very certain whether he that hath attrition does receive grace, though he does not formally resolve to sin no more[t]:' meaning, that it is probable, that it is not necessary to make any such resolution of leaving their sin; they are not certain it is so, nor certain that it is otherwise; that is, they find no commandment for these things. It may be they are counselled and advised in scripture, but that it is no great matter; for 'it is no sin not to correspond with the divine inspirations exhorting us to counsels[u].' Add to these, that 'to detract from our neighbour's fame before a conscientious, silent, and a good man, is no deadly sin[x]:' 'to dispense with our vows in a year of jubilee is valid, though the condition of obtaining that jubilee be not performed[y].' Thus men amongst them have leave to sin, and they may live in it as long as their life lasts without repentance; and that repentance in the sum of affairs is nothing but to call to the priest to absolve them, provided you be sorrowful for the evil you feel or fear God will send on you: but contrition[z], or sorrow proceeding from the love of God is not at all necessary; 'neither is it necessary that our sorrow be thought to be contrition; neither is it necessary that attrition should go before confession, but will serve if it be some time after; and if you confess none but venial sins, it is sufficient if you be sorrowful for one of them; and the case is the same for mortal sins formerly confessed[a].'—But I am ashamed of this heap of sad stories. If I should amass together what themselves have collected in their books, it would look like a libel; but who is pleased with variety of such sores may enter in the hospitals themselves, and walk and look till he be weary.

2) But not only with the evil matter of their propositions, but we have reason to be offended with the strange manner of their answerings. I shall not need to instance in that kind of argument which

[q] num. 7. [p. 577, 578.]
[r] num. 11, 17. [p. 579, 580.]
[s] num. 18. [p. 580.]
[t] num. 19. [p. 581.]
[u] num. 51. [p. 589.]
[x] Id verb. 'Detractio.' [num. 1. p. 170.]
[y] 'Dispensatio,' num. 11. [p. 175.]
[z] Concil. Trid. sess. 14. cap. 4. [tom. x. col. 91.]
[a] Dian. Compend. de pœnit. sacram. n. 9. [p. 578.]

is but too frequent among those who prevail more by their authority than their reason, of proving propositions by similitudes and analogies. I remember that Gregory Sayr[b] says that all the precepts of the moral law are to be reduced to the decalogue; because as all natural things are reduced to ten predicaments, so it is expedient that all kinds of virtues and vice be reduced to the ten commandments. And Bessæus[c] infers seven sacraments from the number of the planets, and the seven years of full corn in Egypt, and seven water-pots changed into wine, (though there were but six,) because as the wine filled six water-pots, so the sacrament of the eucharist fills the other six, and itself makes the seventh; and that therefore peradventure the sacraments are called vessels of grace. But this I look upon as a want of better arguments in a weak cause, managed by careless and confident persons; and note it only as a fault, that the guides of consciences should speak many things when they can prove but few.

3) That which I suppose to be of greatest consideration is, that the casuists of the Roman church take these things for resolution and answer to questions of conscience which are spoken by an authority that is not sufficient; and they admit of canons, and the epistles of popes for authentic warranties, which are suspicious whether ever they were written by them to whose authority only they do pretend; and they quote sayings of the old doctors, which are contradicted by others of equal learning and reputation, and all cited in their own canon law; and have not any sufficient means to ascertain themselves what is binding in very many cases argued in their canons, and decretal epistles, and bulls of popes. Nay they must needs be at a loss in their conduct of consciences, especially in all enquiries and articles of faith, when they choose such foundations which themselves know to be weak and tottering; and yet lay the greatest load upon such foundations, and tie the conscience with the hardest ligature, where it is certain they can give no security. For it is not agreed in the church of Rome, neither can they tell upon whose authority they may finally rely. They cannot tell who is the visible head of the church: for they are not sure the pope is; because a council may be superior to him, and whether it be or no it is not resolved. And therefore either they must change their principle, and rely only upon scriptures and right reason and universal testimonies, or give no answer to the conscience in very many cases of the greatest concernment; for by all other measures their questions are indeterminable. But the authority of man they make to be their foundation; and yet if their allegations were allowed to be good argument, it would serve them but to very few purposes, since the doctors, whose affirmative is the decision of the case, are so infinitely divided.

[b] Clavis regia, l. iv. c. 2. n. 5. [p. 202. fol. Ven. 1605.]

[c] [Conceptions théologiques sur toutes les festes des saincts, &c. par M. Pierre de Besse,—Serm. pour le jour du S. sacrement, tom. i. p. 797. ed. 8vo. Par 1618.]

4) This to me and to very many wise men, looks like a very great objection; but I find that they who are most concerned in it account it none; for the Roman casuists profess it, and yet do not suppose that the consequent of this should be that the case is difficult, and the men not to be relied upon, and the conscience to be otherwise informed, and that we ought to walk the more warily; but therefore the conscience is at liberty, and the question in order to practice hath no difficulty; hard in the case, but easy in the action; for by this means they entertain all interests, and comply with all persuasions, and send none away unsatisfied. For uncertain answers make with them no uncertain resolution; for they teach us, that in such cases we may follow either part: and therefore they studiously keep up this academical or rather sceptic theology, *Alii aiunt, alii negant; utrumque probabile*[d]. And upon this account, although with greatest severity they bind on men's persuasions the doctrines of meats and carnal ordinances, yet they have left them loose enough when it comes to the conscience, so loose that the precept is become ridiculous: for what can it be otherwise, when they teach that 'the fast is not broken by drinking of water or wine, nay though we eat something that our drink may not hurt us; nor the usual collation at night if it be taken in the morning; nor if the butler or the cook lick his fingers; nor if we eat eggs or milk-meats, so it be not in the holy time of lent; nor if after dinner awhile you eat something at the entreaty of a friend; nor if you upon a reasonable cause eat before your time? in all these cases you eat and fast at the same time[e].' All these things are derivatives from the contrary opinions of some easy, gentle doctors; and the effect of this stratagem is seen in things of greater consequence. For 'we are free from our vow, or from a commandment, if it be a probable opinion of the doctors that we are free[f];' and 'it is probable, if it be the opinion of one grave doctor[g]:' that is, in effect, plainly, if it be probable in the doctrine it is certain in practice; and it is probable if any one of their doctors says it.

5) And the mischief of this is further yet discernible if we consider that they determine their greatest and most mysterious cases oftentimes by no other argument but the saying of some few of their writers. I shall give but one instance of it, but it shall be something remarkable. The question was, whether the pope can dispense in the law of God[h]. The enquiry is not concerning a dish of whey, but of a considerable affair, upon which the right or the wrong of many thousand consciences amongst them do depend. It is answered 'that one opinion of the catholics says that the pope can dispense in all things of the law of God, excepting the articles of faith.' The proof is this; so Panormitan speaks, *in cap. 'Proposuit,' de con-*

[d] Sa, aphor. verb. 'Jejun.' n. 11. [p. 186.]
[e] Ibid. n. 8. [p. 185.]
[f] Idem, verb. 'Dubium.' [n. 2. p. 100.]
[g] [n. 3. p. 101.]
[h] Suarez, lib. x. de leg., cap. 6. n. 3. [p. 714. ed. fol. Lond. 1679.]

cess. præbend. n. 20, citing Innocentius *in cap. 'Cum ad monasterium,' de statu monachorum;* where he says, that without cause the pope cannot dispense in things of divine right; intimating that with cause he may. And the same is the opinion of Felinus[h], *in cap. 'Quæ in eccles.' de const. n.* 19 *et* 20, where amongst other things he saith, that the pope when he hath cause can change the usual form of baptism, and make it lawful to baptize in the name of the Trinity; which he reports out of Innocentius, *cap.* i. *de baptis., in fine num.* 11. Yea the same Felinus is bold to affirm, *in cap.* 1. *de const. n.* 23, that the pope with one word can create a priest, without any other solemnity, saying, Be thou a priest; which he reports out of Innocentius *in cap.* 1. *'Sacra unct.'* The same Felinus adds further that the pope with his word alone can make a bishop; and he cites Angelus *in l.* 2. *C. de crim. sacrilegii; et in l.* 1. *C. de sententiam passis.* The same sentence is held by Decius, *consil.* 112. *n.* 3. *in fine; et in dict. cap. 'Quæ in eccles.' n.* 25. *et seq. alias n.* 44, *et* 45, *in novis. Allegantur etiam alii juristæ in cap.* 2. *de translat. episcopi; et in l. 'Manumissiones,' ff. de just. et jure; et in l.* 2. *C. de servit. &c.*

Here is a rare way of probation: for these allegations are not only a testimonial that these catholic authors are of that opinion; but it is intended to represent that this opinion is not against the catholic faith; that popes and great lawyers are of it, and therefore that it is safe, and it may be followed or be let alone: but yet this is sufficient to determine the doubting conscience of a subject, or to be propounded to him as that on which he may with security and indemnity rely. The thing is affirmed by Felinus, and for this he quotes Innocentius; and the same is the opinion of Decius, and for this opinion divers other lawyers are alleged. Now when this or the like happens to be in a question of so great concernment as this, it is such a dry story, such an improbable proof, so unsatisfying an answer to the conscience, that the great determination of all those questions and practices which can depend upon so universal an article as this, and a warranty to do actions which their adversaries say are abhorrent from the law of nature and common honesty, shall in their final resort rest upon the saying of one or two persons, who having boldly spoken a foolish thing, have passed without condemnation by those superiors for whose interest they have been bold to tell so great a lie.

In conclusion, the effect of these uncertain principles and unsteady conduct of questions is this; that though by violence and force they have constrained and thrust their churches into an union of faith, like beasts into a pound, yet they have made their cases of conscience and the actions of their lives unstable as the face of the waters and unmeasurable as the dimensions of the moon: by which means their confessors shall be enabled to answer according to every man's humour, and no man shall depart sad from their penitential chairs, and them-

[h] [See book ii. chap. 3. rule 11. p. 560 of this volume.]

selves shall take or give leave to any thing; concerning which I refer the reader to the books and letters written by their parties of Port-royal, and to their own weak answers and vindications.

If I were willing by accusing others to get reputation to my own, or the undertakings of any of our persuasion or communion, I could give very many instances of their unjustice and partialities in determining matters and questions of justice which concern the church and their ecclesiastical persons; as if what was just amongst the reprobates of the laity were hard measure if done to an ecclesiastic, and that there were two sorts of justice, the one for seculars and the other for churchmen, of which their own books[1] give but too many instances. I could also remark that the monks and friars are *iniquiores in matrimonium*, and make enquiries into matrimonial causes with an impure curiosity, and make answers sometimes with spite and envy, sometimes with licentiousness; that their distinction of sins mortal and venial hath intricated and confounded almost all the certainty and answers of moral theology: but nothing of this is fitted to my intention, which is only to make it evident that it was necessary that cases of conscience should be written over anew, and established upon better principles, and proceed in more sober and satisfying methods: nothing being more requisite than that we should all be instructed, and throughly prepared to every good work; that we should have a conscience void of offence both towards God and towards man; that we should be able to separate the vile from the precious, and know what to choose and what to avoid; that we may have our senses exercised to discern between good and evil, that we may not call good evil, or evil good. For since obedience is the love of God, and to do well is the life of religion, and the end of faith is the death of sin and the life of righteousness; nothing is more necessary than that we be rightly informed in all moral notices: because in these things an error leads on to evil actions, to the choice of sin, and the express displeasure of God; otherwise than it happens in speculation and ineffective notices and school-questions.

And indeed upon this consideration I was always confident, that though the questions of the school were nice and subtle, difficult and very often good for nothing; yet that in moral theology I should have found so perfect an accord, so easy determination of questions, that it would have been harder to find out questions than answers; and the great difficulty in books of this subject would be to put the great number of enquiries into order and method. I was not deceived in the ground and reason of my conjecture; because I knew that *in promptu et facili est æternitas*, God had made the way to heaven plain and simple, and what was necessary did lie open, and the lines of duty were to be read by every eye, or heard and learned by all understandings; and therefore it is certain that all practical truths

[1] Vide Summas cas. consc. in verbis, 'Immunitas,' 'Ecclesia,' 'Hospitale,' 'Privilegium,' 'Clericus,' 'Monasterium,' &c.

are to be found out without much contention and dispute, because justice and obedience to God in all moral conversation is natural to us, just as logic and discourse is. But when I came to look a little nearer, I found that men were willing enough to be tied up to believe the unactive propositions of the doctors, but would keep a liberty of pleasing themselves in matters of life and conversation: in the former they would easily be governed by leading men; but in the latter they would not obey God himself, and without great regret would not be confined to strictness and severity in their cases of conscience. Some would, but many would not. They that would gave laws unto themselves, and they could easily be governed; but they that would not were ready to trample upon their yoke, if it were made gentle and easy for their neck. But this was the least part of the evil.

For besides this, moral theology was made a trade for the house and an art of the schools: and as nothing is more easy than natural logic, and yet nothing harder than sophistical, so it is in moral theology; what God had made plain, men have intricated, and the easy commandment is wrapped up in uneasy learning; and by the new methods a simple and uncrafty man cannot be wise unto salvation, which is but small comfort to him that stands in the place of the idiot and unlearned. Sometimes a severe commandment is expounded by the sense of ease and liberty, and the liberty is established in rule; but because the rule is not true in some hundreds of cases, a conscientious man does not know how to make use of it: and if the commandment be kept close to the sense of strictness and severity, there are so many outlets and escapes found out, that few men think themselves obliged. Thus in the rule *spoliatum ante omnia restituendum*, which is an excellent measure of conscience in many cases, and certainly can have no direct abatement in the duty, and the party obliged can only be relieved by equity in the manner of doing it; yet of this plain and easy rule Gabrielius brings no less than threescore and ten limitations; and to make all questions of that nature and the rule of conscience infinite and indeterminable, Menochius hath seven hundred ninety and eight questions concerning possession; and who is sufficient for these things? There is a rule amongst the lawyers which very much relates to the conscience of those men who are engaged in suits and sentences of law in all countries which are ruled by the civil law, *In quolibet actu requiritur citatio.* Of this rule Porcius brings a hundred and sixteen ampliations, and a hundred and four and twenty limitations. Maranta enumerates forty cases in which a negative ought to be proved: and Socinus sets down eight hundred and two fallencies (that's the word of the law) concerning the contestation of suits and actions at law. Many more might be reckoned even in the interpreters of the civil law, and in the measures we derive from thence. But if any man thinks it better in the canon law, which is supposed to be as great a rule of our conscience in the matter of religion as the other is of justice; I shall only say, that the

very title of the canon law was *Concordantia discordantiarum*, a tying of contradictions together in one string: and when you begin to look into the interpreters of the *Decretum*, which is the best part of the canon law, Simoncellus[k] tells us that the word *Decretum* hath five and twenty significations. So that there is a wood before your doors, and a labyrinth within the wood, and locks and bars to every door within that labyrinth, and after all we are like to meet with unskilful guides; and yet of all things in the world, in these things an error is the most intolerable.

But thus the enemy of mankind hath prevailed upon us while we were earnest in disputations about things less concerning. Then he was watchful and busy to interweave evil and uncertain principles into our moral institutions, to entangle what was plain, to divide what was simple, to make an art of what was written in the tables of our hearts with the finger of God. When a gentleman was commending Dr. Fisher bishop of Rochester his great pains in the confutation of Luther's books, the wise prelate said heartily that he wished he had spent all that time in prayer and meditation which he threw away upon such useless wranglings. For that was the wisdom of the ancients. *Antiqua sapientia nihil aliud quam facienda et vitanda præcepit; et tunc meliores erant viri: postquam docti prodierunt, boni desunt. Simplex enim illa et aperta virtus in obscuram et solertem scientiam versa est; docemurque disputare, non vivere*[l]: 'our forefathers taught their children what to do and what to avoid; and then men were better. But when men did strive to become learned, they did not care so much to become good; they then were taught to dispute rather than to live.' To this purpose I understand that excellent saying of Solomon[m], "Of making many books there is no end, and much study is a weariness of the flesh. Let us hear the conclusion of the whole matter. Fear God and keep His commandments; for this is the whole duty of man." Meaning, that books which serve to any other purpose are a laborious vanity, consumptive of our time and health to no purpose: nothing else being to any purpose but such things as teach us to fear God, and how to keep His commandments. All books, and all learning which ministers to this end, partakes of the goodness of the end; but that which promotes it not is not to be regarded: and therefore the Chaldee paraphrast[n] reads these words into an advice of making many books tending to holiness. *Fili mi, monitus esto ut facias libros sapientiæ plurimos, adeo ut non sit finis; et ut studeas verbis legis, conspiciasque defatigationem carnis:* 'make books of wisdom very many, and study in the words of the law till thou mayest see the weariness of thy flesh.' *Beata ætas quæ in vita hominum regenda totam disputandi rationem*

[k] Tract. de decretis. [In tractt. universi juris, tom. vi. part. 2. fol. 285.]

[l] Seneca ad Lucilium. [epist. xcv. tom. ii. p. 458.]

[m] [Eccles. xii. 12.]

[n] [Walton, bibl. polyglott., tom. iii. p. 426.]

posuit, 'blessed are the times in which men learn to dispute well that they may live the better.' And truly it were much to be wished that men would do so now; endeavouring to teach the ways of godliness in sincerity, to shew to men the right paths of salvation; to describe the right and plain measures of simplicity, christian charity, chastity, temperance and justice; to unwind the entanglements of art, and to strip moral theology of all its visors; to detract all the falsehoods and hypocrisies of crafty men; to confute all the false principles of evil teachers, who by uncertain and deceitful grounds teach men to walk confidently upon trap-doors and pitfalls, and preach doctrines so dangerous and false, that if their disciples should live according to the consequents of such doctrines, without doubt they must perish everlastingly.

It is a great work and too heavy for one man's shoulders; but somebody must begin; and yet no man ever would, if he can be affrighted with the consideration of any difficulty in the world. But I have laid aside all considerations of myself, and with an entire dependence upon God for help, I have begun an institution of moral theology, and established it upon such principles and instruments of probation which every man allows, and better than which we have none imparted to us. I affirm nothing but upon grounds of scripture, or universal tradition, or right reason discernible by every disinterested person, where the questions are of great concern, and can admit these probations. Where they cannot, I take the next best; the laws of wise commonwealths and the sayings of wise men, the results of fame and the proverbs of the ancient, the precedents of holy persons and the great examples of saints. Πεπαιδευμένου γάρ ἐστιν ἐπὶ τοσοῦτον τ' ἀκριβὲς ἐπιζητεῖν καθ' ἕκαστον γένος, ἐφ' ὅσον ἡ τοῦ πράγματος φύσις ἐπιδέχεται· παραπλήσιον γὰρ φαίνεται μαθηματικοῦ τε πιθανολογοῦντος ἀποδέχεσθαι, καὶ ῥητορικὸν ἀποδείξεις ἀπαιτεῖν[o]. 'he that is well instructed will require in every kind of argument and disputation no other proof or subtilty than the subject matter will bear. For it were ridiculous for a mathematician to go about to persuade with eloquence, or an orator to pretend to demonstrations.' But moral theology is a collective body of all wisdom, whereof some things are demonstrable and many are probable, and other things are better than their contraries; and they are to be proved accordingly, every thing in its proportion and capacity. And therefore here I make use of all the *brocardics,* or rules of interpreters; that is, not only what is established regularly in law, but what is concluded wise and reasonable by the best interpreters. Socinus, Duennas, Azo, Gabrielius, Damasus, and divers other great lawyers attempted this way in the interpretation of the civil and canon law. I intermeddle not in the question whether they did well or ill, but leave the contest as it lies between Duarenus and Balduinus who blame them, and Wesenbech and Gribaldus who are

[o] Arist. lib. i. eth. Nic., [cap. 1. tom. ii. p. 1094.]

their confident advocates. But in the discourses of conscience, whatsoever is right reason, though taken from any faculty or science, is also of use and efficacy, because whatever can guide the actions or discourses, or be the business or the conduct of any man, does belong to conscience and its measures; and what is true in any science is true in conscience.

I do not say that what is true or allowed in human laws is also true or allowed in the divine; because though God does justly and wisely, yet men do not always so; and what is true in sciences is not always understood to be true in civil laws. *Qualis causa, talis effectus*, saith the philosopher; 'the cause and the effect are of the same nature.' But the lawyer says this is not always true. For manumission, which is a cause of liberty, is of the civil law and positive institution; but liberty, which is the effect of it, is of the law of nature. Now although the philosopher understands his rule of natural causes and effects, or those causes which are artificial, but operate by the way of nature, and intends it not at all to be persuasive in matters of positive and legal institution; yet this truth and all other truths must prevail in conscience, because they are emanations from the fountain of truth; from whence nothing can derive that is not always true, and in all senses true where they are intended to persuade or teach. But then the truths of philosophy must be used in the measures of conscience by the intentions of philosophy, and not be carried on to a disparate matter, and without cause be indifferently applied, the same words to things of another nature. There is a rule in philosophy, *incorporalia sunt individua:* from hence Hottoman[p] argues, therefore dominion, heritage, *usus-fructus*, or the use of a thing by him that is not the lord, are individual, because they are incorporeal. Now this will deceive him that trusts upon it: not because what is true in one place is not true always and every where; but because these words applied to other matters, and the words signifying other intentions, they abuse the unwary hearer, but instruct not. But because the questions of conscience do relate to all matters, therefore to these all arts and sciences do minister.

Res fisci est ubicunque natat[q].

'Whatsoever swims upon any water, belongs to this exchequer;' that is, saith S. Austin[r], *Christianus Domini sui esse intelligit, ubicunque invenerit veritatem*, 'if it be truth, wheresoever it be found, the Christian knows it is his Lord's goods:' and therefore I have proved and adorned some truths with the wise sayings of philosophers and poets, *ut Deo serviat quicquid utile puer didici*, that, according to the expression of the same saint[s], 'whatsoever being a

[p] [Quæst. illustr. xx.—tom. i. col. 904 E ed. fol. 1599.]
[q] [Juv. sat. iv. 55.]
[r] De doctr. Christi, lib. ii. cap. 18. [tom. iii. part. 1. col. 31 B.]
[s] Confess., lib. i. cap. 15. [tom. i. col. 71 E.]

child I learned which can profit, may be brought in to serve and pay homage to God.' But still they are to be understood according to the sense and meaning of their proper art where they dwell. And though there is great need of skill in all those sciences from whence we derive notices in order to the conduct of conscience; and that it will be hard for any man to pretend to be master of all those things which must be used in these discourses; yet I who will not pretend to that, have yet taken as good a course as I could to inform myself, though not in the whole system of every art in the whole circle which I have here occasionally used, yet I have been careful to understand those few things which I have thence drawn in as auxiliaries: and lest I should yet fail, I have taken another course by way of caution and defence, that I may be right and sure in the reflex, if I had cause to doubt of any thing in the direct notice.

For I have propounded to myself general measures to be as boundaries to the determination of doubts and the answer of questions; which so long as I do observe, my error will be very innocent if any happens. For α) In hard and intricate questions I take that which is easy and intelligible, and concerning which it will be easy to judge whether it be right or wrong. β) In odious things, and matters of burden and envy, I take that part which is least, unless there be evident reason to the contrary. γ) In favours I always choose the largest sense, when any one is bettered by that sense, and no man is the worse. δ) In things and questions relating to men I give those answers that take away scruples, and bring peace and a quiet mind. ε) In things relating to God I always choose to speak that thing which to Him is most honourable. ζ) In matters of duty I always choose that which is most holy. η) In doubts I choose what is safest. θ) In probabilities I prefer that which is the more reasonable, never allowing to any one a leave of choosing that which is confessedly the less reasonable in the whole conjunction of circumstances and relative considerations.

Upon the account of these principles I hope to serve God and (the good of souls.) For these being the points of my compass, which way soever I sail I shall not suffer shipwreck: and if at any time I go about, which I have avoided as much as my infirmities will permit, yet at last, and in the whole I arrive where I ought to be. For indeed in this whole affair I have proceeded with great fear; as knowing that he who writes cases of conscience, does in a manner give laws to all that do believe him: and no man persuades more vehemently than he that tells you, This God forbids, This God commands; and therefore I knew that to be mistaken here was very evil, and might do much evil; but to be careless, or prejudicate, or partial, or flattering, or oppressive with severity, or unsafe with gentleness, was criminal in the cause as well as mischievous in the event: and the greatest security which I have that I have not spoken unsafely in any man's case, is because I have prayed much, and

laboured much that I might not at all minister to error or schism, to folly or vanity, but to the glory of God, and to the good of souls; and I have so determined every case that I have here presented, as I myself would practise, as I would account at the day of judgment, through the mercies of God in Jesus Christ, and the integrity and simplicity of my conscience: and therefore I desire that my reader will use the same caution and ingenuity before he condemns any conclusion, and consider, that in these things it was impossible to please every man,

Ἔργμασιν ἐν μεγάλοις πᾶσιν ἆδειν χαλεπόν[t].

so I designed to please no man but as he is a lover of truth, and a lover of his own soul.

The style that I here use is according as it happens, sometimes plain, sometimes closer; the things which I bring are sometimes new, sometimes old; they are difficult and they are easy; sometimes adorned with cases, and the cases specificated in stories, and sometimes instead of a story I recite an apologue, and disguise a true narrative with other names, that I may not discover the person whose case I discourse of: and in all things I mind the matter, and suppose truth alone and reason and the piety of the decision to be the best ornament; and indeed sometimes the thing itself will not be handled otherwise.

Ornari res ipsa negat, contenta doceri.

I was here to speak to the understanding, not to win the affections; to convince, not to exhort: and where I had no certainty in a case, or that the parts of a question were too violently contended for, without sufficient evidence on either side, I have not been very forward to give my final sentence, but my opinion and my reason;

Per verbum FORTE respondent sæpe periti[u].

and yet I hope that in some cases it will be found, that though I am not fierce, positive, and decretory, yet the case itself is sufficiently declared, so that he who hath occasion to use it, may upon those accounts determine himself. For the modesty of him that teaches is not always an argument that he is uncertain in his proposition. *Τὸ νομίζω, καὶ τὸ δοκεῖν, καὶ τὰ τοιαῦτα οὐ πάντως ἐπὶ ἀμφιβόλου τάττουσιν οἱ παλαιοὶ, ἀλλὰ πολλάκις καὶ ἐπὶ τοῦ ἀληθεύειν· οὕτως οὖν καὶ τὸ νομίζω ἐνταῦθα ἀντὶ τοῦ κρίνω, καὶ πιστεύω*, saith Ulpian[x]. When the ancients said, I suppose, I think, It seems, they did not

[t] [Solon, apud Plutarch. in vita ejus, cap. 25. tom. i. p. 368.]

[u] Glos. in c. 'Quorum appell. non recipiuntur.' [i. e. Cod. Justin., lib. vii. tit. 65. In the corp. jur. civil. of Gothofred the passage is not found, but the line

Sub dubio Forte respondent sæpe periti,

occurs in the edition of J. Fehus (fol. Lugd. 1627) in a gloss In authent. coll. i. tit. 6. cap. 7, tom. v. col. 59.]

[x] Ad Demosth. Olynth. i. [fol. 5 a fin. ed. fol. Ven. apud Ald. 1527.]

always mean that they were uncertain; but they sometimes intended it for a modest, but a direct affirmative; and so I do in some few cases where there is great reason on one side, and a great prejudice on the other; I give my reasons, and lay down the case and all its allays, and leave it to prevail without my sentence by its own strength. And for this I hope no man will be offended at me: if he be, it is because I was not willing to offend him; but I was desirous to instruct, to comfort, to determine, and to establish him that needs.

I have studiously avoided all questions that are curious and unprofitable; such, I mean, which are only trials of wit, but neither ministers of justice nor religion. Such was that which was brought before the lawyers and all the learned men of Athens, with great noises to little purpose[y].—A gentleman of Ægina dying left three daughters. The one was beauteous and wanton; the second a lover of wine and gay pleasures; and the third a good spinster, and a great follower of country housewifery. He made the mother of these daughters to be his heir, upon this condition, that she should divide all his estate between his daughters equally; but in such a manner that what they received they should neither possess nor enjoy, and as soon as ever they had quitted their portions they should pay each of them to their mother ten thousand philippics. The mother runs to Athens, consults the lawyers and philosophers how this will should be fulfilled; but they know not, as supposing one part to cross another, and altogether to be impossible; for if the whole estate be divided amongst them, how is it that they shall not enjoy it? and if they do not, how shall they pay their mother her assignment? The mother therefore finding no help there, contrives it thus herself. To the pretty wanton she gives rich clothes, smooth eunuchs, soft beds, sweet perfumes, silver lavatories, and all things which she supposed might please her lust, and consume her portion. To the drinking girl she provides vessels of rich wines, a house well furnished, and all things fitted for expensive entertainments. But to the country housewife, a good farm, ploughmen and a great stock, many horses and some cows, some men-servants and a great many maidens, a kennel of hounds and a few swine; supposing this was no very probable way for her to thrive, but the likeliest way to do her husband's will; because the lust of the first, and the thirst and debauchery of the second, and the ill-contrived stock of the third would consume all their portions. But all this while she considered not how when they grew poor she should receive her share. But at last, a wiser man than was in the schools of Athens advised her thus; give to the drunken maiden the rich garments, the jewels and the eunuchs; and because she loves them not, she will sell them all for old wines of Chios. To the wanton give fields and cattle, oxen and ploughs, hinds and swine; and she will quickly sell them that she may entertain her lovers. But if you give vessels of wine to the country girl, she

[y] [Phædr., lib. iv. fab. 5.]

knows not what to do with them, and therefore will sell them to the merchant for ready money. Thus shall neither of them enjoy their portion, but by selling it they shall be enabled to pay the money to their mother. This was a riddle rather than a case of law or conscience; and so are many others, which I therefore resolved to lay aside, and trouble no man's conscience or head with them; as supposing that the answer of the dull Diodorus mentioned in the Greek epigram is sufficient for such curiosities,

Ἤ σοι, ἢ τῷ ἑλόντι, κ.τ.λ.[a]

It is so, or it is not so; it must be done this way, or some other; the thing in question is yours, or some body's else: but make the judge your friend, and I will warrant your cause, provided it be just; but look you to that. A slight answer to an intricate and useless question is a fit cover for such a dish; a cabbage leaf is good enough to cover a pot of mushrooms: but I have taken a shorter way, and laid them all aside; remembering the saying of friar John Annias to Nicolaus de Lyra; *Testimonium Dei lucidum est, nec egent literæ divinæ plicis.* The things of God are plain and easy, and therefore I have rejected every thing that is not useful and intelligible; choosing only to make such enquiries by which we may become better, and promoted in something of our duty;

> Quid sumus, et quidnam victuri gignimur, ordo
> Quis datus, aut metæ quam mollis flexus, et unde,
> Quis modus argento, quid fas optare, quid asper
> Utile nummus habet, patriæ carisque propinquis
> Quantum elargiri deceat, quem te Deus esse
> Jussit, et humana qua parte locatus es in re[a]:

viz., that we may be taught how to know what God requires of us, instructed to salvation, and fitted to every good work.

But now I shall desire that he who reads my book will not expect this book to be a collective body of particular cases of conscience; for I find that they are infinite, and my life is not so, and I shall never live to write them all, or to understand them all: and if I should write some and not all, I should profit I know not whom, and do good but to a very few, and that by chance too; and it may be that their cases being changed by circumstances would not be fitted by my indefinite answers. I therefore resolved upon another way, which although no man before me hath trod in writing cases of conscience, yet I cannot say it is new; for I took my pattern from Tribonianus the lawyer, who out of the laws of the old Romans collected some choice rules which give answer to very many cases that happen. And after I had considered and tried many others, I found this most reasonable, most useful, and most comprehensive, of all matters relating to my present undertaking. For I intend here to offer to the world a general instrument of moral theology, by the rules and

[a] [Agath. epigr. lxvii.—Jacobs, Anthol. tom. iv. p. 26.]

[a] [Pers. sat. iii. 67.]

measures of which the guides of souls may determine the particulars that shall be brought before them; and those who love to enquire may also find their duty so described, that unless their duties be complicated with laws, and civil customs, and secular interests, men that are wise may guide themselves in all their proportions of conscience: but if their case be indeed involved, they need the conduct of a spiritual guide to untie the intrigue and state the question, and apply the respective rules to the several parts of it; for though I have set them down all in their proper places relating to their several matters, yet when a question requires the reason of many rules, it is not every hand that can apply them. Men will for ever need a living guide, and a wise guide of souls will by some of these rules be enabled to answer most cases that shall occur.

For although I have not given answers to every doubt, yet have I told what we are to do when any doubt arises; I have conducted the doubting conscience by such rules which in all doubts will declare her duty: and therefore if the matter of the doubt be in the reception of the sacrament of the eucharist, or in wearing clothes, or in eating, the rule is the same and applicable to every matter. I have not disputed whether sumptuary laws be actually obligatory to us in England or Ireland; but I have told by what measures we shall know concerning all laws, whether they be obligatory or no, in any place and to every person. I have not expounded all the laws of God, but I have told by what rules they are to be expounded and understood. But because these rules have influence upon all particulars, I have by way of instance and illustration determined very many special cases: and I was a little curious to choose such which are the matter of our usual enquiries; and have been very studious to draw into particular scrutiny most of the principal and noblest questions of christendom which could relate to the matter of my rule, provided that they were practical and did minister to good manners; having that of Lactantius[b] in my mind, *Non tam de rebus humanis bene meretur qui scientiam bene dicendi affert, quam qui pie et innocenter docet vivere:* 'he best deserves of mankind who teaches men to live well rather than to talk well:' and therefore the wiser Greeks preferred philosophers before orators. *Illi enim recte vivendi doctores sunt existimandi, quod est longe præstabilius*[c]; 'it is better to be a doctor of good life, than of eloquent or learned speaking:' for there are but few who are capable of eloquence, but to live well is the duty of all: and I have always been pleased with the saying of Jupiter to Pallas in the apologue, when he kissed her cheek for choosing the fruitful olive.

——— Nam quod facimus, id nisi utile est,
Stulta omnis atque inanis inde est gloria[d];

unless it does good and makes us better, it is not worth the using:

[b] [Inst. div., lib. i. præfat., tom. i. p. 3.] [c] ibid.]
[d] [Nisi utile est quod facimus, stulta est gloria.—Phædr., lib. iii. fab. 17. 12.]

and therefore it hath been no small part of my labour not only to do what was necessary, but to lay aside what was useless and unfit, at least what I thought so.

In this manner by the divine assistance I have described a rule of conscience: in the performance of which I shall make no excuses for my own infirmities, or to guard myself from the censure of the curious or the scorners. I have with all humility and simplicity desired to serve God, and to minister to His church, and I hope He will accept me: and for the rest, I have laid it all at His most holy feet, and therefore will take no further care concerning myself in it. Only I am desirous that now I have attempted to describe a general rule, they who find it defective would be pleased to make this more perfect by adding their own symbol; which is much easier than to erect that building which needs but some addition to make it useful to all its purposes and intentions. But if any man, like a bird sitting upon a tree, shall foul the fruit and dishonour it, that it may be unfit for food, I shall be sorrowful for him that does so, and troubled that the good which I intended to every one should be lost to any one. But I shall have the prophet's[e] comfort if I have done my duty in righteousness and humility: "though I labour in vain and spend my strength for nought, yet surely my judgment is with the Lord, and my work is with my God."

I know not whether I shall live to add matter to this form, that is, to write a particular explication of all the precepts of christian religion; which will be a full design of all special cases and questions of conscience measurable by this general rule. If I do not I hope God will excite some other to do it, but whoever does it he will do it with so much the more profit, by how much he does dispute the less: and I remember that Socrates and Sozomen[f] tell that Aëtius the heretic was counted an atheist *propter eristicum loquendi et disputandi modum*, because he taught no part of religion but he minced it into questions and chopped it into Aristotle's logic. The simple and rational way of teaching God's commandments, as it is most easy, so it is most useful; and all the cases that will occur will the most easily be answered by him that considers and tells in what cases they bind, and in what they bind not: which is the duty of him that explicates, and may be delivered by way of plain rule and easy commentary.

But this I shall advertise, that the preachers may retrench infinite numbers of cases of conscience if they will more earnestly preach and exhort to simplicity and love; for the want of these is the great multiplier of cases. Men do not serve God with honesty and heartiness, and they do not love Him greatly; but stand upon terms with Him, and study how much is lawful, how far they may go, and which is their utmost step of lawful, being afraid to do more for God and for their souls than is simply and indispensably necessary; and oftentimes

[e] [Isa. xlix. 4, 5.] [f] [Socrat. H. E., ii. 35; Sozom. H. E., iii. 15.]

they tie religion and their own lusts together, and the one entangles the other, and both are made less discernible and less practicable. But the good man understands the things of God; not only because God's spirit by secret immissions of light does properly instruct him, but because he hath a way of determining his cases of conscience which will never fail him. For if the question be put to him whether it be fit for him to give a shilling to the poor, he answers that it is not only fit, but necessary to do so much at least, and to make it sure he will give two: and in matter of duty he takes to himself the greater share; in privileges and divisions of right he is content with the least: and in questions of priority and dignity he always prevails by cession, and ever is superior by sitting lowest; and gets his will, first by choosing what God wills, and then what his neighbour imposes or desires. But when men have no love to God, and desire but just to save their souls, and weigh grains and scruples, and give to God no more than they must needs, they shall multiply cases of consciences to a number which no books will contain, and to a difficulty that no learning can answer.

The multiplication also of laws and ceremonies of religion does exceedingly multiply questions of practice; and there were among the Jews by reason of their numerous rites many more than were at first among the Christians. For we find the apostles only exhorting to humility, to piety towards parents, to obedience to magistrates, to charity and justice; and the Christians who meant well understood well, and needed no books of conscience but the rule and the commandment. But when error crept in, truth became difficult and hard to be understood; and when the rituals of the church and her laws became numerous, then religion was hard to be practised: and when men set up new interests, then the laws of conscience were so many, that as the laws of the old Romans,

——— verba minantia fixo
Ære legebantur[g]. . .

which at first were nailed in a brass plate upon a wall, became at last so numerous and filled so many volumes, that their very compendium made a large digest, so are these too many to be considered, or perfectly to be understood; and therefore either they must be cut off by simplicity and an honest heart, and contempt of the world, and our duty must look for no measures but love and the lines of the easy commandment, or else we can have no peace and no security. But with these there is not only collateral security, but very often a direct wisdom. Because he that endeavours to keep a good conscience, and hath an honest mind, besides that he will enquire after his duty sufficiently, he will be able to tell very much of it himself: for God will assist him, and cause that 'his own mind shall tell him more than seven watchmen that sit in a tower[h];' and if he miss he is next

[g] [Ovid. Metam., lib. i. 91.] [h] [Ecclus. xxxvii. 14.]

to an excuse, and God is ready to pardon him: and therefore in what sect of christianity soever any man is engaged, if he have an honest heart and a good conscience, though he be in darkness, he will find his way out, or grope his way within; he shall be guided or he shall be pardoned; God will pity him and find some way for his remedy, and if it be necessary will bring him out.

But however it comes to pass, yet now that the enquiries of conscience are so extremely numerous, men may be pleased to observe that theology is not every man's trade; and that it requires more wisdom and ability to take care of souls, than those men who now-a-days run under the formidable burden of the preacher's office can bring from the places of their education and first employment. Which thing I do not observe that by it I might bring reputation to the office of the clergy; for God is their portion and lot, and as He hath given them work enough, so He hath given them honour enough, though the world despise them: but I speak it for their sakes who do what they ought not, and undertake what they cannot perform; and consequently do more hurt to themselves and others than possibly they imagine; which it were better they should amend, than be put to answer for it before Him who loves souls better than He loved His life, and therefore would not entrust them to the conduct of such persons, who have need to be taught the plain things of salvation, and learn to do justice and charity, and the proper things of a holy religion.

Concerning myself I shall make no request to my reader, but that he will charitably believe I mean well, and have done my best. If any man be troubled that he hath expected this nothing so long, I cannot make him other answer but that I am afraid it is now too soon; and I bless God that I had abilities of health and leisure now at last to finish it: but I should have been much longer if God had not by the piety of one of His servants provided for me a comfortable retirement and opportunity of leisure; which if I have improved to God's glory, or to the comfort and institution of any one, He and I both have our ends, and God will have His glory; and that's a good conclusion, and to that I humbly dedicate my book.

From my study in Portmore in Kilultagh,
October 5, 1659.

DUCTOR DUBITANTIUM.

OR,

THE RULE OF CONSCIENCE.

THE FIRST BOOK.

OF CONSCIENCE, THE KINDS OF IT, AND THE GENERAL RULES OF CONDUCTING THEM.

CHAP. I.

THE RULE OF CONSCIENCE IN GENERAL.

RULE I.

CONSCIENCE IS THE MIND OF A MAN GOVERNED BY A RULE, AND MEASURED BY THE PROPORTIONS OF GOOD AND EVIL, IN ORDER TO PRACTICE; VIZ., TO CONDUCT ALL OUR RELATIONS, AND ALL OUR INTERCOURSE BETWEEN GOD, OUR NEIGHBOURS, AND OURSELVES: THAT IS, IN ALL MORAL ACTIONS.

§ 1. God governs the world by several attributes and emanations from Himself. The nature of things is supported by His power, the events of things are ordered by His providence, and the actions of reasonable creatures are governed by laws, and these laws are put into a man's soul or mind as into a treasury or repository: some in his very nature, some by after-actions, by education and positive sanction, by learning and custom: so that it was well said of S. Bernard[a], *Conscientia candor est lucis æternæ, et speculum sine macula Dei majestatis, et imago bonitatis illius:* 'conscience is the brightness and splendour of the eternal light, a spotless mirror of the divine majesty, and the image of the goodness of God.' It is higher which Tatianus[b] said of conscience, *μόνον εἶναι συνείδησιν θεὸν*, 'conscience is God unto us;' which saying he had from Menander[c],

βροτοῖς ἅπασιν ἡ συνείδησις θεὸς,

and it had in it this truth, that God, who is every where in several manners, hath the appellative of His own attributes and effects in the several manners of His presence.

Jupiter est quodcunque vides, quocunque moveris[d].

§ 2. That providence which governs all the world is nothing else but God present by His providence; and God is in our hearts by His laws: He rules in us by His substitute our conscience. God sits there and gives us laws; and as God said to Moses, "I have

[a] Lib. de interiori domo. [vid. cap. xxii., iii. col. 1070.]
[b] [vid. orat. ad Græcos, cap. xli. p. 90.]
[c] [p. 336. ed. Meineke, ex Aldo.]
[d] [Lucan., ix. 580.]

made thee a god to Pharaoh[e]," that is, to give him laws, and to minister in the execution of those laws, and to inflict angry sentences upon him; so hath God done to us. He hath given us conscience to be in God's stead to us, to give us laws, and to exact obedience to those laws, to punish them that prevaricate, and to reward the obedient. And therefore conscience is called οἰκεῖος φύλαξ, ἔνοικος θεὸς, ἐπίτοπος δαίμων, 'the household guardian,' 'the domestic god,' 'the spirit or angel of the place:' and when we call God to witness, we only mean that our conscience is right, and that God and God's vicar, our conscience, knows it. So Lactantius[f]: *meminerit Deum se habere testem, id est, ut ego arbitror, mentem suam, qua nihil homini dedit Deus ipse divinius*, 'let him remember that he hath God for his witness, that is, as I suppose, his mind; than which God hath given to man nothing that is more divine.' In sum, it is the image of God: and as in the mysterious Trinity we adore the will, memory, and understanding, and theology contemplates three persons in the analogies, proportions, and correspondencies of them; so in this also we see plainly that conscience is that likeness of God in which He was pleased to make man. For although conscience be primarily founded in the understanding, as it is the lawgiver and dictator; and the rule and dominion of conscience *fundatur in intellectu*, is established in the understanding part; yet it is also memory, when it accuses or excuses, when it makes joyful and sorrowful; and there is in it some mixture of will, as I shall discourse in the sequel; so that conscience is a result of all, of understanding, will, and memory.

§ 3. But these high and great expressions are better in the spirit than in the letter; they have in them something of institution, and something of design, they tell us that conscience is a guard and a guide, a rule and a law set over us by God, and they are spoken to make us afraid to sin against our conscience, because by so doing we sin against God; He having put a double bridle upon us, society and solitude, that is, company and ourselves, or rather, God and man; it being now impossible for us to sin in any circumstances, but we shall have a reprover: ἵνα μήτε μόνωσις ἐπεγείρῃ σε πρὸς τὸ μὴ πρέπον, μήτε κοινωνία ἐναπολόγητόν σοι ποιήσῃ τὴν ἁμαρτίαν, as Hierocles[g] said well, 'that neither company may give countenance or excuse to sin, or solitariness may give confidence or warranty;' for as we are ashamed to sin in company, so we ought to fear our conscience, which is God's watchman and intelligencer.

§ 4. To which purpose it was soberly spoken of Tertullian[h], *Conscientia optima testis Divinitatis*, 'our conscience is the best argument in the world to prove there is a God.' For conscience is God's deputy, and the inferior must suppose a superior; and God and our

[e] [Exod. vii. 1.]
[f] Lib. vi. de vero cultu, cap. 24. [tom. i. p. 505.]
[g] [In Pythag. carm. aur., p. 62.]
[h] Lib. de testimon. animæ. [vid. cap. v. p. 67 C.]

conscience are like relative terms, it not being imaginable why some persons in some cases should be amazed and troubled in their minds for their having done a secret turpitude, or cruelty; but that conscience is present with a message from God, and the men feel inward causes of fear, when they are secure from without; that is, they are forced to fear God, when they are safe from men. And it is impossible that any man should be an atheist if he have any conscience; and for this reason it is there have been so few atheists in the world, because it is so hard for men to lose their conscience wholly.

Quest.

§ 5. Some dispute whether it be possible or no for any man to be totally without conscience. Tertullian's[1] sentence in this article is this, *Potest obumbrari quia non est Deus: extingui non potest quia a Deo est,* 'it is not God, and therefore may be clouded; but it is from God, and therefore cannot be destroyed.' But I know a man may wholly lose the use of his reason: some men are mad, and some are natural fools, and some are sots, and stupid; such men as these lose their conscience as they lose their reason: and as some mad men may have a fancy that there is no sun, so some fools may say there is no God; and as they can believe that, so they can lose their conscience, and believe this. But as he that hath reason or his eyes cannot deny but there is such a thing as the sun, so neither can he that hath conscience deny there is a God. For as the sun is present by his light which we see daily, so is God by our conscience which we feel continually: we feel one as certainly as the other.

§ 6. 1) But it is to be observed, that conscience is sometimes taken for the practical intellective faculty: so we say the law of nature and the fear of God is written in the conscience of every man.

2) Sometimes it is taken for the habitual persuasion and belief of the principles written there: so we say, 'he is a good man, and makes conscience of his ways.' And thus we also say, and it is true, that a wicked person is of a profligate and lost conscience: 'he hath no conscience in him,' that is, he hath lost the habit, or that usual persuasion and recourse to conscience by which good men govern their actions.

3) Or the word conscience is used effectively for any single operation and action of conscience: so we speak of particulars, 'I make a conscience of taking up arms in this cause.' Of the first and last acceptation of the word conscience there is no doubt; for the last may, and the first can never be lost. But for the second, it may be lost more or less, as any other habit can: though this with more difficulty than any thing else, because it is founded so immediately in nature, and is so exercised in all the actions and entercourses of

[1] [De anim., cap. xli. p. 295 A.]

our life, and is so assisted by the grace of God, that it is next to impossible to lose the habit entirely; and that faculty that shall to eternal ages do the offices which are the last, and such as suppose some preceding actions, I mean, to torment and afflict them for not having obeyed the former acts of dictate and command, cannot be supposed to die in the principle, when it shall be eternal in the emanation; for 'the worm shall never die[j].'

For, that men do things against their conscience is no otherwise than as they do things against their reason; but a man may as well cease to be a man as to be wholly without conscience. For the drunkard will be sober, and his conscience will be awake next morning. This is a perpetual pulse, and though it may be interrupted, yet if the man be alive it will beat before he dies; and so long as we believe a God, so long our conscience will at least teach us, if it does not also smite us: but as God sometimes lets a man go on in sin and does not punish him, so does conscience; but in this case, unless the man be smitten and awakened before he dies, both God and the conscience reserve their wrath to be inflicted in hell. It is one and the same thing; God's wrath and an evil guilty conscience: for by the same hand by which God gives His law, by the same He punishes them that transgress the law. God gave the old law "by the ministry of angels[k]," and when the people broke it, "He sent evil angels among them[l];" now God gives us a law in our consciences, and there He hath established the penalty. This is the "worm that never dies;" let it be trod upon never so much here, it will turn again. It cannot die here, and it shall be alive for ever.

But by explicating the parts of the rule, we shall the best understand the nature, use, and offices of conscience.

CONSCIENCE IS THE MIND OF A MAN—

§ 7. When God sent the blessed Jesus into the world to perfect all righteousness, and to teach the world all His Father's will, it was said and done, "I will give My laws in your hearts, and in your minds will I write them[m]:" that is, you shall be governed by the law of natural and essential equity and reason, by that law which is put into every man's nature; and besides this, whatsoever else shall be superinduced shall be written in your minds by the Spirit, who shall write all the laws of christianity in the tables of your consciences. He shall make you to understand them, to perceive their relish, to remember them because you love them, and because you need them, and cannot be happy without them: He shall call them to your mind, and inspire new arguments and inducements to their observation, and make it all as natural to us, as what we were born with.

§ 8. Our mind being thus furnished with a holy rule, and con-

[j] [Is. lxvi. 24; Mark ix. 44.]
[k] [Acts vii. 53.]
[l] [Ps. lxxviii. 49.]
[m] [Heb. x. 16; Jer. xxxi. 33.]

ducted by a divine guide, is called conscience; and is the same thing which in scripture is sometimes called, "the heart[n];" there being in the Hebrew tongue no proper word for conscience, but instead of it they use the word לְבָב 'the heart:' "Oftentimes also thine own heart knoweth," that is, thy conscience knoweth, "that thou thyself hast cursed others[o]:" so in the New testament, "Beloved, if our hearts condemn us not, then have we peace towards God;" viz., if in our consciences we are not condemned. Sometimes it is called 'spirit[p],' the third ingredient of the constitution of a Christian; the spirit, distinct from soul and body. For as our body shall be spiritual in the resurrection, therefore because all its offices shall entirely minister to the spirit, and converse with spirits, so may that part of the soul which is wholly furnished, taught, and conducted by the Spirit of grace, and whose work it is wholly to serve the spirit, by a just proportion of reason be called the spirit. This is that which is affirmed by S. Paul[q], "The word of God sharper than a two-edged sword, dividing the soul and the spirit;" that is, the soul is the spirit separated by the word of God, instructed by it, and by relation to it, is called the spirit. And this is the sense of Origen[r], *Testimonio sane conscientiæ uti apostolus dicit eos qui descriptam continent in cordibus legem, &c.* "The apostle says, that they use the testimony of conscience who have the law written in their hearts. Hence it is necessary to enquire what that is which the apostle calls conscience, whether it be any other substance than the heart or soul? For of this it is otherwise said, that it reprehends, but is not reprehended, and that it judges a man, but itself is judged of no man: as John saith, 'If our conscience condemn us not, then have we confidence towards God,' and again, Paul himself saith in another place, 'Our glorying is this, even the testimony of our conscience.' Because therefore I see so great a liberty of it, that in good things it is always glad and rejoices, but in evil things it is not reproved, but reproves and corrects the soul itself to which it does adhere; I do suppose that this is the very spirit which by the apostle is said to be with the soul, as a pedagogue and social governor, that it may admonish the soul of better things, and chastise her for her faults and reprove her. 'Because no man knows the things of a man but the spirit of a man which is in him;' and that is the spirit of our conscience, concerning which he saith, 'That Spirit gives testimony to our spirit.'" So far Origen.

§ 9. Thus conscience is the mind, and God 'writing His laws in our minds,' is, informing our conscience, and furnishing it with laws, and rules, and measures; and it is called by S. Paul, *νόμος τοῦ νοὸς*,

[n] [Eccles. vii. 22; 1 John iii. 21.]

[o] Apud Syros conscientia dicitur תאראא a radice תאר formavit, depinxit, descripsit; quia scil. conscientia notat et pingit actiones nostras in tabula cordis.

[p] [Prov. xviii. 14.]

[q] [Heb. iv. 12.]

[r] In epist. ad Rom., cap. 2. lib. ii. [tom. iv. p. 486.]

'the law of the mind[s];' and though it once made a distinct thing from the mind (as in those words, "their minds and consciences are defiled[t],") yet it happens in this word as in divers others, that it is sometimes taken largely, sometimes specifically and more determinately. The mind is all the whole understanding part; it is the memory; so "Peter called to mind the word that Jesus spake[u]," that is, he remembered it. It is the signification or meaning, the purpose or resolution[v]: "No man knoweth the mind of the Spirit, but the Spirit[x]." It is the discursive or reasoning part: "Mary cast in her mind what manner of salutation this should be[y]." It is the assenting and determining part: "let every man be fully persuaded in his own mind[z]:" and it is also taken for conscience, or that treasure of rules which are in order to practice. And therefore when S. Paul intended to express the anger of God punishing evil men with evil consciences and false persuasions, in order to criminal actions and evil worshippings, he said "God gave them over" *εἰς νοῦν ἀδόκιμον*, "to a reprobate mind[a]," that is, to a conscience evil persuaded, furnished with false practical principles; but the return to holiness, and the improvement of a holy conscience, is called "a being renewed in the spirit of our mind[b]," *ἀνακαίνωσις τοῦ νοὸς*, "the renovation of the mind[c]."

§ 10. Now there are two ways by which God reigns in the mind of a man, 1. faith, and 2. conscience. Faith contains all the treasures of divine knowledge and speculation. Conscience is the treasury of divine commandments and rules in practical things. Faith tells us why, conscience tells us what we are to do. Faith is the measure of our persuasions, conscience is the measure of our actions. And as faith is a gift of God, so is conscience: that is, as the understanding of a man is taught by the Spirit of God in scripture, what to believe, how to distinguish truth from errors; so is the conscience instructed to distinguish good and evil, how to please God, how to do justice and charity to our neighbour, and how to treat ourselves; so that when the revelations of Christ and the commandments of God are fully recorded in our minds, then we are "perfectly instructed to every good work[d]."

GOVERNED BY A RULE.

§ 11. S. Bernard[e] comparing the conscience to a house, says it stands upon seven pillars. 1) Good will. 2) Memory of God's benefits. 3) A clean heart. 4) A free spirit. 5) A right soul. 6) A devout mind. 7) An enlightened reason. These indeed are some of them the fruits and effects, some of them are the annexes

[s] [Rom. vii. 23.]
[t] [Titus i. 15.]
[u] [Mark xiv. 72.]
[v] [Phil. ii. 5.]
[x] [1 Cor. ii. 16.]
[y] [Luke i. 29.]
[z] [Rom. xiv. 5.]
[a] [Rom. i. 28.]
[b] [Eph. iv. 23.]
[c] [Rom. xii. 2.]
[d] [2 Tim. iii. 17.]
[e] De interiori domo, cap. vii. [col. 1065.]

and appendages of a good conscience, but not the foundations or pillars upon which conscience is built. For as for the first,

1. Good will.

§ 12. Conscience relies not at all upon the will directly. For though a conscience is good or bad, pure or impure, and so the doctors of mystic theology divide and handle it; yet a conscience is not made so by the will formally, but by the understanding. For that is a good conscience, which is rightly taught in the word of life: that is impure and defiled, which hath entertained evil and ungodly principles; such is theirs who follow false lights, evil teachers, men of corrupt minds. For the conscience is a judge and a guide, a monitor and a witness, which are offices of the knowing, not of the choosing faculty. *Spiritum correctorem, et pædagogum animæ*, so Origen[f] calls it: the 'instructor of the soul, the spirit, the corrector.' *Naturale judicatorium*, or *naturalis vis judicandi*, so S. Basil[g]: 'the natural power of judging,' or 'nature's judgment seat.' *Lucem intellectus nostri*, so Damascene[h] calls it: 'the light of our understanding.' The conscience does accuse or excuse a man before God, which the will cannot. If it could, we should all stand upright at doomsday, or at least those would be acquitted who fain would do well, but miss, who do the things they love not, and love those they do not; that is, "they who strive to enter in, but shall not be able[i]." But to accuse or excuse is the office of a faculty which can neither will nor choose, that is, of the conscience; which is properly a record, a book, and a judgment seat.

§ 13. But I said, 'conscience relies not upon the will directly;' yet it cannot be denied, but the will hath force upon the conscience collaterally and indirectly. For the evil will perverts the understanding, and makes it believe false principles; deceiving and being deceived is the lot of false prophets; and they that are given over to believe a lie, will live in a lie, and do actions relative to that false doctrine which evil manners first persuaded and introduced. For although it cannot be that heretics should sin in the article against the actual light of their consciences, because he that wittingly and willingly sins against a known truth is not properly a heretic, but a blasphemer, and sins against the Holy Ghost; and he that sees a heretic run to the stake or to the gallows, or the Donatist kill himself, or the Circumcellian break his own neck with as much confidence to bear witness to his heresy as any of the blessed martyrs to give testimony to christianity itself, cannot but think he heartily believes what so willingly he dies for; yet either heretics do sin voluntarily, and so distinguish from simple errors, or else they are

[f] Ubi supra.
[g] In Ps. xlviii. [tom. i. p. 184. E.]
[h] [Orth. fid., lib. iv. cap. 22. tom. i. p. 292 C.]
[i] [Luke xiii. 24.]

the same thing, and either every simple error is damnable, or no heresy. It must therefore be observed, that,

§ 14. The will of man is cause of its actions either mediately or immediately. Some are the next products of our will: such are pride, ambition, prejudice; and these blind the understanding, and make an evil and a corrupted conscience, making it an incompetent judge of truth and error, good and evil. So that the corruption of conscience in a heretic is voluntary in the principle, but miserable and involuntary in the product; it may proceed from the will efficiently, but it is formally a depravation of the understanding.

§ 15. And therefore our wills also must be humble and apt, and desirous to learn, and willing to obey. *Obedite et intelligetis*, 'by humility and obedience we shall be best instructed.' Not that by this means the conscience shall receive direct aids, but because by this means it will be left in its own aptnesses and dispositions, and when it is not hindered, the word of God will enter and dwell upon the conscience. And in this sense it is that some say that 'conscience is the inclination and propension of the will corresponding to practical knowledge.' Will and conscience are like the *cognati sensus*, the touch and the taste; or the teeth and the ears, affected and assisted by some common objects, whose effect is united in matter and some real events, and distinguished by their formalities, or metaphysical beings.

2. Memory of God's benefits,

§ 16. Is indeed a good engagement to make us dutiful, and so may incline the will; but it hath no other force upon the conscience but that it reminds us of a special obligation to thankfulness, which is a new and proper tie of duty; but it works only by a principle that is already in the conscience, viz., that we are specially obliged to our gracious lords; and the obedience that is due to God as our Lord doubles upon us by love and zeal when we remember Him to be our bountiful patron, and our gracious Father.

3. A clean heart,

§ 17. May be an effect and emanation from a holy conscience; but conscience in itself may be either good or bad, or it may be good when the heart is not clean, as it is in all the worst men who actually sin against conscience, doing that which conscience forbids them. In these men the principles are holy, the instruction perfect, the law remaining, the persuasions uncancelled; but against all this torrent, there is a whirlwind of passions, and filthy resolutions, and wilfulness, which corrupt the heart, while as yet the head is uncorrupted in the direct rules of conscience. But yet sometimes a clean conscience and a clean heart are the same; and a good conscience is taken for holiness, so S. Paul uses the word, "holding faith and a good con-

science, which some having put away have made shipwreck[k]," ὅτι τὴν θεόθεν ἠκουσαν συνείδησιν ἀπιστίᾳ κατεμίαναν, so Clemens Alexandrinus[l] explicates the place; 'they have by infidelity polluted their divine and holy conscience:' but S. Paul seems to argue otherwise, and that they laying aside a good conscience fell into infidelity; their hearts and conscience were first corrupted, and then they turned heretics. But this sense of a good conscience is that which in mystic divinity is more properly handled, in which sense also it is sometimes used in the law. *Idem est conscientia quod vir bonus intrinsece*, said Ungarellus[m], out of Baldus[n]; and from thence Aretine[o] gathered this conclusion, that 'if any thing be committed to the conscience of any one, they must stand to his determination,' *et ab ea appellari non potest*, 'there lies no appeal;' *quia vir bonus pro quo sumitur conscientia non potest mentiri, et falsum dicere vel judicare:* 'a good man, for whom the word conscience is used, cannot lie, or give a false judgment or testimony.' Of this sort of conscience it is said by Ben Sirach[p], *Bonam substantiam habet cui non est peccatum in conscientia:* 'It is a man's wealth to have no sin in our conscience.' But in our present and future discourses the word conscience is understood in the philosophical sense, not in the mystical, that is, not for the conscience as it is invested with the accidents of good or bad, but as it abstracts from both, but is capable of either.

4. A free spirit,

§ 18. Is the blessing and effect of an obedient will to a well instructed conscience, and more properly and peculiarly to the grace of chastity, to honesty and simplicity; a slavish, timorous, a childish and a trifling spirit, being the punishment inflicted upon David before he repented of his fact with Bathsheba. But there is also a freedom which is properly the privilege, or the affection of conscience, and is of great usefulness to all its nobler operations; and that is, a being clear from prejudice and prepossession, a pursuing of truths with holy purposes, an enquiring after them with a single eye, not infected with any sickness or unreasonableness. This is the same thing with that which he distinctly calls 'a right soul.' To this is appendant also, that the conscience cannot be constrained; it is of itself a free spirit, and is subject to no commands, but those of reason and religion. God only is the Lord of our conscience, and the conscience is not to subject itself any more to the empire of sin, to the law of Moses, to a servile spirit; but to the laws of God alone, and the obe-

[k] [1 Tim. i. 19.]

[l] [Strom., lib. ii. cap. 6. p. 445.]

[m] Verb. 'Conscientia.' [Summa angelica de casibus conscientiæ, per Angelum de Clavasio, cum additt. Jacob. Ungarelli Patavini; p. 241. 4to. Ven. 1582.]

[n] In cap. 'Cum causa.' De testib. [Baldus Ubaldus Perusinus in lib. ii. decretal. tit. 20. cap. 41. § 5. fol. 280 b. ed. fol. Ven. 1595.]

[o] [Aretinus à Gambellionibus] in § 'Sed istæ,' Instit. de Act. [Comment. in iv. lib. Institt. Justinian. fol. 208 d. Ven. 1609.]—Gloss. in cap. 'Statur.' § 'Assess. detent.' [citat. ibid.]

[p] [Ecclus. xiii. 30. alias 24.]

dience of Jesus, willingly, cheerfully, and in all instances, whether the commandment be conveyed by the holy Jesus, or by His vicegerents. But of this I shall afterwards give particular accounts.

5. A devout mind,

§ 19. May procure more light to the conscience, and assistances from the spirit of wisdom in cases of difficulty, and is a good remedy against a doubting and a scrupulous conscience; but this is but indirect, and by the intermission of other more immediate and proper entercourses.

§ 20. 6. But the last is perfectly the foundation of conscience,

An enlightened reason.

To which if we add what S. Bernard[q] before calls 'a right soul,' that is, an honest heart, full of simplicity and hearty attention, and ready assent, we have all that by which the conscience is informed and reformed, instructed and preserved in its just measures, strengths, and relations. For the rule of conscience is all that notice of things and rules by which God would have good and evil to be measured, that is, the will of God communicated to us by any means, by reason, and by enlightening, that is natural and instructed. So that conscience is νοῦς φυσικὸς and θεοδίδακτος, it is principled by creation, and it is instructed or illuminated in the regeneration. For God being the fountain of all good, and good being nothing but a conformity to Him, or to His will, what measures He makes are to limit us. No man can make measures of good and evil, any more than he can make the good itself. Men sometimes give the instance in which the good is measured; but the measure itself is the will of God. For therefore it is good to obey human laws, because it is God's will we should; and although the man makes the law to which we are to give obedience, yet that is not the rule. The rule is the commandment of God, for by it obedience is made a duty.

MEASURED BY THE PROPORTIONS OF GOOD AND EVIL——

§ 21. That is, of that which God hath declared to be good or evil respectively, the conscience is to be informed. God hath taken care that His laws shall be published to all His subjects, He hath written them where they must needs read them, not in tables of stone or phylacteries on the forehead, but in a secret table. The conscience or mind of a man is the φυλακτήριον, the 'preserver' of the court rolls of heaven. But I added this clause, to the former of A RULE, because the express line of God's rule is not the adequate measure of conscience: but there are analogies and proportions, and commensurations of things with things, which make the measure full and equal. For he does not always keep a good conscience who keeps only the words of a divine law; but the proportions also and the

[q] [De dom. inter., cap. vii. col. 1065.]

reasons of it, the similitudes and correspondencies in like instances, are the measures of conscience.

The whole measure and rule of conscience is the law of God, or God's will, signified to us by nature, or revelation; and by the several manners and times and parts of its communication it hath obtained several names. The law of nature. The consent of nations. Right reason. The decalogue. The sermon of Christ. The canons of the apostles. The laws ecclesiastical and civil of princes and governors. Fame, or the public reputation of things, expressed by proverbs and other instances and measures of public honesty. This is,

—— τό γ' αἰσχρὸν κανόνι τοῦ καλοῦ μαθόν,

so Euripides[r] calls it, 'all the rule that teaches us good or evil.' These being the full measures of right and wrong, of lawful and unlawful, will be the rule of conscience, and the subject of the present books.

IN ORDER TO PRACTICE——

§ 23. In this conscience differs from knowledge, which is in order to speculation, and ineffective notices. And it differs from faith, because although faith is also in order to practice, yet not directly and immediately: it is a collection of propositions, the belief of which makes it necessary to live well, and reasonable and chosen; but before the propositions of faith pass into action they must be transmitted through another principle, and that is conscience. That Jesus Christ is the Son of God, and our Lord, and our Master, is a proposition of faith, and from thence if we pass on to practice, we first take in another proposition, If He be our Lord, where is His fear? and this is a sentence, or virtual proposition of conscience. And from hence we may understand the full meaning of the word conscience: συνείδησις, and *conscientia*, and so our English word conscience have in them science or knowledge; the seat of it is the understanding, the act of it is knowing, but there must be a knowing of more together.

§ 24. Hugo de S. Victore says, that *conscientia est cordis scientia*[s], 'conscience is the knowledge of the heart.' It is so, but certainly this was not the ἔτυμον and original of the word. But there is truth in the following period. *Cor noscit se et alia. Quando autem se noscit appellatur conscientia, quando præter se alia noscit, appellatur scientia:* 'knowledge hath for its object any thing without; but when the heart knows itself, then it is conscience.' So it is used in authors sacred and profane. *Nihil mihi conscius sum*, saith S. Paul[t], "I know nothing by myself:" *ut alios lateas, tute tibi conscius eris*[u]: and

—— hic murus aheneus esto,
Nil conscire sibi[v],—

[r] [Hec. 602.]
[s] [Instit. monast. de anima, lib. iii. cap. 11. tom. ii. fol. 84 F.]
[t] [1 Cor. iv. 4.]
[u] [Isocrat. ad Demon. § 16. p. 4.]
[v] [Hor. epist., i. 1. 60.]

so Cicero to Marcus Rutilius[w] uses it, *cum et mihi conscius essem quanti te facerem;* 'when I myself was conscious to myself how much I did value thee.' But this acception of the word conscience is true, but not full and adequate; for it only signifies conscience as it is a witness, not as a guide. Therefore it is more reasonable which Aquinas and the schoolmen generally use: that conscience is a conjunction of the universal practical law with the particular moral action: and so it is *scientia cum rebus facti,* and then it takes in that which is called *συντήρησις,* or the general repository of moral principles or measures of good, and the particular cases as reduced to practice. Such as was the case of S. Peter when he denied his Lord: he knew that he ought not to have done it, and his conscience being sufficiently taught his duty to his Lord, he also knew that he had done it; and then there followed a remorse, a biting, or gnawing of his spirit, grief, and shame, and a consequent weeping: when all these acts meet together, it is the full process of conscience.

1) The *συντήρησις* or the first act of conscience S. Hierome[x] calls *scintillam conscientiæ,* the spark or fire put into the heart of man.

2) The *συνείδησις,* which is specifically called conscience of the deed done, is the bringing fuel to this fire.

3) And when they are thus laid together, they will either shine or burn, acquit or condemn. But this complication of acts is conscience. The first is science, practical science; but annex the second, or it and the third, and then it is conscience. When David's heart smote him, that is, upon his adultery and murder, his conscience thus discoursed: adultery and murder are high violations of the divine law, they provoke God to anger, without whom I cannot live, whose anger is worse than death. This is practical knowledge, or the principles of conscience; but the following acts made it up into conscience. For he remembered that he had betrayed Uriah and humbled Bathsheba, and then he begs of God for pardon; standing condemned in his own breast, he hopes to be forgiven by God's sentence. But the whole process of conscience is in two practical syllogisms, in which the method is ever this. The *συντήρησις* or 'repository' of practical principles begins, and where that leaves, the conscience or the witness and judge of moral actions begins, like Jacob laying hold upon his elder brother's heel[y]. The first is this:

Whatsoever is injurious ought not to be done;
But to commit adultery is injurious,
Therefore it ought not to be done.

This is the rule of conscience, or the first act of conscience as it is a rule and a guide, and is taken for the *συντήρησις,* or practical 'repository.' But when an action is done or about to be done, conscience takes the conclusion of the former syllogism, and applies it to her particular case.

[w] [Ad divers., lib. xiii. epist. 8.] [x] [In Ezech. i. tom. iii. col. 702.]
[y] [Gen. xxv. 26.]

Adultery ought not to be done;
This action I go about, or which I have done, is adultery,
Therefore it ought not to be done, or to have been done.

This is the full proceeding of this court; after which many consequent solemnities and actions do pass, of sentence, and preparatory torments and execution.

§ 25. But this I am to admonish, that although this which I have thus defined is the proper and full sense of the word conscience according to art and proper acceptation, yet in scripture it is used indifferently for an act of conscience, or any of its parts, and does not always signify in its latitude and integrity, but yet it all tends to the same signification[a]; and though the name be given to the faculty, to the habit, to the act, to the object, to the effect, to every emanation from the mind in things practical, yet still it supposes the same thing; viz., that conscience is the guide of all our moral actions: and by giving the name to so many acts and parts and effluxes from it, it warrants the definition of it when it is united in its own proper and integral constitution.

TO CONDUCT ALL OUR RELATIONS AND ENTERCOURSES BETWEEN GOD, OUR NEIGHBOURS, AND OURSELVES; THAT IS, IN ALL MORAL ACTIONS.

§ 26. This is the final cause of conscience: and by this it is distinguished from prudence, which is also a practical knowledge and reduced to particular and circumstantiate actions. But 1) Prudence consists in the things of the world, or relative to the world; conscience in the things of God, or relating to Him. 2) Prudence is about affairs as they are of advantage or disadvantage; conscience is employed about them as they are honest or dishonest. 3) Prudence regards the circumstances of actions whether moral or civil; conscience only regards moral actions in their substance or essential proprieties. 4) Prudence intends to do actions dexterously and prosperously; conscience is to conduct them justly and according to the commandment. 5) There are many actions in which prudence is not at all concerned, as being wholly indifferent to this or that for matter of advantage: but there is no action but must pass under the file and censure of conscience; for if we can suppose any action in all its circumstances to be wholly indifferent to good or bad, yet none is so to lawful or unlawful, the very indifferent being therefore lawful because it is indifferent, and therefore to be considered by conscience, either actually or habitually. For in this sense even our natural actions in their time and place are also moral, and where they are not primarily moral, yet they come under conscience, as

[a] [Acts xxiii. 1, and xxiv. 16; Rom. xiii. 5; 1 Cor. viii. 10, and ii. 1, 12; 1 Tim. i. 5, 19, and iii. 9; 2 Tim. i. 3; Titus i. 15; 1 Pet. ii. 19, and iii. 16; Heb. xiii. 18.]

being permitted and innocent; but wherever they are relative to another person, they put on some more degrees of morality, and are of proper cognizance in this court.

> Qui didicit patriæ quid debeat, et quid amicis;
> Quo sit amore parens, quo frater amandus, et hospes;
> Quid sit conscripti, quid judicis officium; quæ
> Partes in bellum missi ducis, ille profecto
> Reddere personæ scit convenientia cuique[a].

That is the full effect of conscience, to conduct all our relations, all our moral actions.

RULE II.

THE DUTY AND OFFICES OF CONSCIENCE ARE TO DICTATE, AND TO TESTIFY OR BEAR WITNESS; TO ACCUSE OR EXCUSE; TO LOOSE OR BIND.

§ 1. THE first and last are the direct acts and offices of conscience: the other are reflex or consequent actions, but direct offices. The first act, which is,

TO DICTATE,

is of that which divines call the *συντήρησις*, or the 'phylactery,' the keeper of the records of the laws, and by it we are taught our duty; God having written it in our hearts by nature and by the Spirit, leaves it there, ever placed before the eye of conscience (as S. Bernard[b] calls it) to be read and used for directions, in all cases of dispute, of question or action. This is that which S. Paul[c] calls "the work of the law written in our hearts," and therefore it is, that to sin against our conscience is so totally inexcusable, and according to the degree of that violence which is done against the conscience, puts on degrees. For conscience dictates whatsoever it is persuaded of, and will not suffer a man to do otherwise than it suggests and tells us:

> Αἲ γάρ πως αὐτόν με μένος καὶ θυμὸς ἀνήῃ
> Ὠμ' ἀποταμνόμενον κρέα ἕδμεναι[d].

said Achilles of Hector when he was violently angry with him; 'I would my conscience would give me leave to eat thy very flesh.'

§ 2. Its universal dictates are ever the most certain, and those are the first principles of justice and religion; and whatsoever else can be infallibly and immediately inferred from thence, are her dictates also, but not primely and directly, but transmitted by the hands of reason. The same reason also there is in clear revelation. For whatsoever is put into the conscience immediately by God, is placed there to the same purpose, and with the same efficiency and persuasion as

[a] Horat. de arte poet. [312.]
[b] [De dom. inter., cap. xxiii. col. 1070.]
[c] [Rom. ii. 15.]
[d] Iliad. x. [346.]

is all that which is natural. And the conscience properly dictates nothing else, but prime natural reason, and immediate revelation; whatsoever comes after these two, is reached forth to us by two hands, one whereof alone is ministered by conscience. The reason is this: because all that law by which God governs us is written in our hearts, put there by God immediately, that is, antecedently to all our actions, because it is that by which all our actions are to be guided, even our discoursings and arguings are to be guided by conscience, if the argument be moral. Now the ways by which God speaks to us immediately, are only nature and the Spirit. Nature is that principle which taught all men from the beginning until now; all that prime practical reason which is perfective of human nature, and in which all mankind agrees. Either the perfections, or the renovations, or the superadditions to this are taught us by the Holy Spirit, and all this being written in the conscience by the finger of God is brought forth upon all occasions of action; and whatsoever is done against any thing so placed, is directly and violently against the conscience; but when from thence reason spins a longer thread, and draws it out from the clue of natural principles or express revelation, that also returns upon the conscience and is placed there as light upon a wall, but not as the stones that are there: but yet whatever is done against that light is also against conscience, but not so as the other. Just as it is in nature and accident. To eat poison and filthiness is against every man's health and stomach; but if by an *ἰδιοσυγκρασία*, a propriety of temper, or an evil habit, or accidental inordination, wine, or fish makes a man sick, then these are against his nature too, but not so as poison is, or stones. Whatever comes into the conscience primarily or consequently, right or wrong, is brought forth upon occasion of action, and is part of her dictate: but as a man speaks some things of his own knowledge, some things by hearsay, so does conscience; some things she tells from God and herself, some things from reason and herself, or other accidental notices: those and these do integrate and complete her sermons, but they have several influence and obligation according to their proper efficiency. But of this I shall give full accounts in the second book.

TO TESTIFY.

§ 3. Conscience bears witness of our actions; so S. Paul, "their conscience bearing witness:" and in this sense, conscience is a practical memory. For as the practical knowledge, or notices subjected in the understanding, make the understanding to be conscience; so the actions of our life recorded in the memory and brought forth to practical judgments, change the memory also into conscience; *τοῦ γὰρ γένους τῶν ἀνθρώπων ταύτῃ διαφέροντος τῶν ἄλλων ζώων ᾗ μόνοις αὐτοῖς μέτεστι νοῦ καὶ λογισμοῦ, φανερὸν ὡς οὐκ ἂν εἰκὸς παρα-*

[Rom. ii. 15.]

τρέχειν αὐτοὺς τὴν προειρημένην διαφορὰν, καθάπερ ἐπὶ τῶν ἄλλων ζώων, ἀλλ' ἐπισημαίνεσθαι τὸ γινόμενον καὶ δυσαρεστεῖσθαι τοῖς παροῦσι· 'man differing from brute beasts by the use of reason, it is not likely he should be a stranger to his own actions as the beasts are, but that the evil which is done should be recalled to their mind with the signification of some displeasure;' so Polybius[e] discourses of the reason and the manner of conscience.

§ 4. Every knowing faculty is the seat of conscience, and the same faculty when it is furnished with speculative notions retains its natural and proper name of understanding, or memory; but as the same is instructed with notices in order to judgments practical, so it takes the christian name of conscience. The volitive[f] or choosing faculty cannot, but the intellectual may. And this is that book which at doomsday shall be brought forth and laid open to all the world. The memory changed into conscience preserves the notices of some things, and shall be reminded of others, and shall do that work entirely and perfectly, which now it does imperfectly and by parts, according to the words of S. Paul, "Then shall we know as we are known[g]," that is, as God knows us now, so then shall we see and know ourselves. *Nullum theatrum virtuti conscientia majus*[h], shall then be highly verified. Our conscience will be the great scene or theatre upon which shall be represented all our actions good and bad. It is God's book, the book of life or death. According to the words of S. Bernard[i], *Ex his quæ scripta erunt in libris nostris judicabuntur; et ideo scribi debent secundum exemplar libri vitæ, et si sic scripti non sunt, saltem corrigantur;* 'we shall be judged by that which is written in our own books,' (the books of conscience), 'and therefore they ought to be written according to the copy of the book of life; and if they be not so written, yet they ought to be so corrected.'

§ 5. Consequently to these the conscience does

ACCUSE OR EXCUSE.

So S. Paul[j] joins them as consequent to the former, 'their conscience bearing witness, and their thoughts in the mean time accusing or excusing one another.' *Si optimorum consiliorum atque factorum testis in omni vita nobis conscientia erit, sine ullo metu et summa cum honestate vivemus*[k]; 'if our conscience be the witness that in our life we do good deeds and follow sober counsels, we shall live in great honesty and without fear.' Δικαστὴν θεὸς ἐπέστησε τὸν δικαιότατον ἅμα καὶ οἰκειότατον, τὸ συνειδὸς αὐτὸ, καὶ τὸν ὀρθὸν λόγον, said Hierocles[l], 'God hath constituted a most righteous and domestic judge, the conscience and right reason;' καὶ αὐτὸν ἑαυτῷ δν πάντων μάλιστα αἰδεῖσθαι προεπαιδεύθημεν, 'every man ought most

[e] Lib. vi. [cap. 6. tom. ii. p. 465.]
[f] ['voltitive.' ed. 1660.]
[g] [1 Cor. xiii. 12.]
[h] Cicero, Tuscul. ii. [25.]
[i] De inter dom. [cap. 28. col. 1072.]
[j] [Rom. ii. 15.]
[k] Cicero pro Cluentio. [cap. lviii.]
[l] [In Pythag. carm. aur., p. 158.]

of all to fear himself, because it is impossible but we should know what we have done amiss, and it concerns us also to make righteous judgment, for we cannot escape ourselves.' Μηδέποτε μηδὲν αἰσχρὸν ποιήσας ἔλπιζε λήσειν· καὶ γὰρ ἂν τοὺς ἄλλους λάθῃς, σεαυτῷ γε συνειδήσεις, said Isocrates[m]; *etsi a cæteris silentium est, tamen ipse sibimet conscius est posse se merito increpari,* so Apuleius[n] renders it. Though others hold their peace, yet there is one within that will not.

> Nec facile est placidam ac pacatam degere vitam,
> Qui violat factis communia fœdera pacis;
> Etsi fallit enim divum genus, humanumque,
> Perpetuo tamen id fore clam diffidere debet[o].

It is hard to be concealed from God and man too, and although we think ourselves safe for a while, yet we have something within that tells us οὐκ ἔστι λάθρα τι ποιοῦντα, 'he that does any thing is espied,' and cannot do it privately. *Quicum in tenebris?* was the old proverb, 'Who was with you in the dark[p]?' And therefore it was that Epicurus affirmed it to be impossible for a man to be concealed always. Upon the mistake of which he was accused by Plutarch[q] and others to have supposed it lawful to do any injustice secretly; whereas his design was to obstruct that gate of iniquity, and to make men believe that even that sin which was committed most secretly would some time or other be discovered and brought to punishment; all which is to be done by the extra-regular events of providence, and the certain accusations and discoveries of conscience.

§ 6. For conscience is the looking-glass of the soul, so it was called by Periphanes in Plautus[r];

> Non oris causa modo homines æquum fuit
> Sibi habere speculum, ubi os contemplarent suum;
> Sed qui perspicere possent cor sapientiæ:
> Igitur perspicere ut possint cordis copiam.
> Ubi id inspexissent, cogitarent postea
> Vitam ut vixissent olim in adolescentia.

And a man looking into his conscience, instructed with the word of God, its proper rule, is by S. James[s] compared to "a man beholding his natural face in a glass:" and that the apostle describes conscience in that similitude is to be gathered from the word ἔμφυτον λόγον, *verbum insitum,* 'the ingraffed word,' the word of God written in our hearts, which whoso looks on, and compares his actions with his rule, may see what he is: but he that neglects this word and follows not this rule, did indeed see his face, but hath forgotten what manner of man he was, that is, what he was framed in the works of the new creation, when he was newly formed and created unto righteousness and true holiness.

[m] [Ad Demon., § 16. p. 4.]
[n] [Apol., p. 405.]
[o] Lucretius. [v. 1153.]
[p] [See vol. iv. p. 632.]
[q] [De occult. vivend., tom. x. p. 637.]
[r] In Epidico. [iii. 3. 1.]
[s] [James i. 23, 4.]

§ 7. This accusation and watchfulness, and vocal, clamorous guards of conscience are in perpetual attendance, and though they may sleep, yet they are quickly awakened, and make the evil man restless. Τοὺς ἀδικοῦντας καὶ παρανομοῦντας ἀθλίως καὶ περιφόβως ζῆν τὸν πάντα χρόνον, ὅτι κἂν λαθεῖν δύνανται, πίστιν περὶ τοῦ λαθεῖν λαβεῖν ἀδύνατον ἐστίν· ὅθεν ὁ τοῦ μέλλοντος ἀεὶ φόβος ἐγκείμενος οὐκ ἐᾷ χαίρειν, οὔτε θαρρεῖν ἐπὶ τοῖς παροῦσι, said Epicurus[t], which is very well rendered by Seneca[u], *Ideo non prodest latere peccantibus, quod latendi etiamsi felicitatem habeant, fiduciam non habent,* 'they that live unjustly always live miserably and fearfully; because although their crime be secret, yet they cannot be confident that it shall be so:' meaning, that because their conscience does accuse them, they perceive they are discovered, and pervious to an eye, which what effect it will have in the publication of the crime here and hereafter, is not matter of knowledge, but cannot choose but be matter of fear for ever.

—— fiet adulter
Publicus, et pœnas metuet quascunque mariti
Irati debent, nec erit felicior astro
Martis, ut in laqueos nunquam incidat[v].

If any chance makes the fact private, yet no providence or watchfulness can give security, because within there dwells a principle of fear that can never die, till repentance kills it. And therefore Chilon in Laertius[w] said upon this account, that loss is rather to be chosen than filthy gain; because that loss brings sorrow but once, but injustice brings a perpetual fear and pain.

Anne magis Siculi gemuerunt ære juvenci,
Et magis auratis pendens laquearibus ensis
Purpureas subter cervices terruit? Imus,
Imus præcipites, quam si sibi dicat, et intus
Palleat infelix quod proxima nesciat uxor[x].

The wife that lies by his side knows not at what the guilty man looks pale, but something that is within the bosom knows; and no pompousness of condition can secure the man, and no witty cruelty can equal the torment. For that also, although it be not directly the office of conscience, yet it is the act and effect of conscience; when itself is injured, it will never let any thing else be quiet.

TO LOOSE OR BIND,

§ 8. Is the reflex act of conscience. Upon viewing the records, or the *συντήρησις*, the legislative part of conscience, it binds to duty; upon viewing the act, it binds to punishment, or consigns to comfort; and in both regards it is called by Origen[a], *affectuum corrector, atque animæ pædagogus,* 'the corrector of the affections, and the teacher of

[t] [Apud Plutarch. Non posse suaviter vivi secund. Epicur., tom. x. p. 486.]
[u] [Epist. xcvii. tom. ii. p. 490.]
[v] Juven. sat. x. [311.]
[w] [lib. i. cap. 3. § 70.]
[x] Pers. sat. iii. [39.]
[a] [p. 7. not. r. supra.]

the soul.' Which kind of similitude Epictetus in Stobæus[b] followed also, *Parentes pueros nos pædagogo tradiderunt, qui ubique observaret ne læderemur; deus autem clam viros insitæ conscientiæ custodiendos tradidit, quæ quidem custodia nequaquam contemnenda est;* 'as our parents have delivered us to a guardian who did watch lest we did or suffered mischief; so hath God committed us to the custody of our conscience that is planted within us; and this custody is at no hand to be neglected.'

§ 9. The binding to duty is so an effect of conscience that it cannot be separated from it; but the binding to punishment is an act of conscience also as it is a judge, and is intended to affright a sinner, and to punish him: but it is such a punishment as is the beginning of hell torments, and unless the wound be cured will never end till eternity itself shall go into a grave.

Illo nocens se damnat quo peccat die[c],

'the same day that a man sins, on the same day he is condemned;' and when Menelaus in the tragedy did ask,

Ὀρέστα τλῆμον, τίς σ' ἀπόλλυσιν νόσος;

what disease killed poor Orestes? he was answered,

Ἡ σύνεσις, ὅτι σύνοιδα δεινὰ εἰργασμένος[d].

His disease was nothing but an evil conscience; he had done vile things, and had an amazed spirit that distracted him, and so he died. *Curas ultrices,* Virgil[e] calls the wounds of an evil conscience, 'revenging cares.

Nihil est miserius quam animus hominis conscius[f],

said he in the comedy, 'nothing is more miserable than an evil conscience,' and the being pained with it is called τῷ συνειδότι ἀπάγχεσθαι, 'to be choked or strangled with an evil conscience,' by S. Chrysostom (who in his twenty-second homily upon the first epistle to the Corinthians[g], speaks much and excellently to the same purpose); and there are some that fancy that this was the cause of Judas' death: the horrors of his conscience were such that his spirits were confounded, and restless, and uneasy; and striving to go from their prison, stopped at the gates of emanation, and stifled him. It did that, or as bad; it either choked him or brought him to a halter, as it hath done many besides him. And although I may truly say as he did,

Non mihi si linguæ centum——
Omnia pœnarum percurrere nomina possem[h],

no tongue is able to express the evils which are felt by a troubled conscience or a wounded spirit, yet the heads of them are visible and notorious to all men.

[b] [Lege Anton. Meliss., lib. ii. tit. 82. p. 146.]

[c] Apud Publianum. [Al. Publium Syrum, ad calc. Dionys. Caton. p. 138. ed. 8vo. Amst. 1646.]

[d] [Eurip. ap. Stob. floril., xxiv. 5.]

[e] [Æn. vi. 274.]

[f] Plautus. [Mostell. iii. 1. 13.]

[g] [tom. x. pp. 198, 9.]

[h] [Æn. vi. 625.]

§ 10. 1) The first is that which Nazianzen[i] calls τὰς ἐν αὐτοῖς τοῖς δεινοῖς ἐξαγορεύσεις, 'accusations and vexings of a man when he is in misery;' then when he needs most comfort, he shall by his evil conscience be most disquieted. A sickness awakes a dull sleeping conscience, and when it is awakened it will make that the man shall not sleep. So Antiochus[j] when his lieutenant Lysias was beaten by the Jews, he fell sick with grief, and then his conscience upbraided him; "but now," said he, "I remember the evils that I did at Jerusalem," *quia invenerunt me mala ista*, so the Latin bible reads it, "because these evils now have found me out." For when a man is prosperous, it is easy for him to stop the mouth of conscience, to bribe or to abuse it, to fill it with noise, and to divert it with business, to outvie it with temporal gaieties, or to be flatterred into weak opinions and sentences; but when a man is smitten of God, and divested of all the outsides and hypocrisies of sin, and that conscience is disentangled from its fetters and foolish pretensions, then it speaks its own sense, it ever speaks loudest when the man is poor, or sick, or miserable. This was well explicated by S. Ambrose[k], *Dum sumus in quadam delinquendi libidine, nebulis quibusdam conscientiæ mens obducitur, ne videat eorum quæ concupiscit deformitatem; sed cum omnis nebula transierit, gravia tormenta exercentur in quodam male conscii secretario;* 'a man is sometimes so surprised with the false fires and glarings of temptation, that he cannot see the secret turpitude and deformity; but when the cloud and veil is off, then comes the tormentor from within:'

> —— acuuntque metum mortalibus ægris,
> Si quando lethum horrificum, morbosque deum rex
> Molitur, meritas aut bello territat urbes[l].

Then the calamity swells, and conscience increases the trouble, when God sends war, or sickness, or death. It was Saul's case, when he lost that fatal battle in which the ark was taken, he called to the Amalekite, *Sta super me et interfice me*[m], 'fall upon me and slay me,' *quoniam tenent me angustiæ*, 'I am in a great straight.' He was indeed; for his son was slain, and his army routed, and his enemies were round about: but then conscience stept in and told him of the evil that he had done in causing fourscore of the Lord's priests to be slain; and therefore Abulensis[n] reads the words thus, 'Fall upon me and slay me,' *quoniam tenent me oræ vestimenti sacerdotalis*, 'I am entangled in the fringes of the priests' garments,' *Videbatur sibi Saul quod propinquus morti videret sacerdotes Dei accusantes eum in judicio coram Deo*, 'He thought he saw the priests of the Lord accusing him before God.' And this hath been an old opinion of the world, that in the days of their calamity wicked persons are accused

[i] [Orat. v. § 2. tom. i. p. 148 B.]
[j] [1 Macc. vi. 12.]
[k] [De Abrah., lib. ii. cap. 4. § 16. tom. i. col. 319.]
[l] Æneid. xii. [850.]
[m] [2 Sam. i. 9.]
[n] [Alphons. Tostat. Abulens. in loc. fol. 4 a.—Ven. 1596.]

by those whom they have injured. Not much unlike to which is that of Plato[o], describing the torments of wicked souls, *βοῶσί τε καὶ καλοῦσιν· οἱ μὲν οὓς ἀπέκτειναν, οἱ δὲ οὓς ὕβρισαν· καλέσαντες δ' ἱκετεύουσι τοὺς ἠδικημένους δοῦναί σφισι συγγνώμην*, 'they roar and cry out: some calling on them whom they killed, some on those they have calumniated; and calling they pray them whom they have injured to give them pardon.' Then every bush is a wild beast, and every shadow is a ghost, and every glow-worm is a dead man's candle, every lantern is a spirit.

—— pallidumque visa
Matris lampade respicis Neronem[p].

When Nero was distressed, he saw his mother's taper and grew pale with it.

§ 11. 2) The second effect is shame, which conscience never fails to inflict secretly, there being a secret turpitude and baseness in sin, which cannot be better expressed than by its opposition and contradiction to conscience. Conscience when it is right makes a man bold; *qui ambulat simpliciter, ambulat confidenter*[q], "he that walks honestly walks confidently," because he hath innocence and he hath reason on his side. But he that sins, sins against reason, in which the honour and the nobleness of a man does consist; and therefore shame must needs come in the destitution of them. For as by reason men naturally rule, so when they are fallen from it, unless by some accidental courages they be supported, they fall into the state of slaves and sneaking people. And upon this account it was that Plato[r] said, *Si scirem deos mihi condonaturos, et homines ignoraturos, adhuc peccare erubescerem propter solam peccati turpitudinem*, 'if I were sure God would pardon me, and men would not know my sin, yet I should be ashamed to sin, because of its essential baseness.' The mistresses of our vile affections are so ugly, we cannot endure to kiss them but through a veil; either the veil of excuse, or pretence, or darkness, something to hide their ugliness; and yet even these also are so thin that the filthiness and shame is not hid. *Bona conscientia turbam advocat, mala etiam in solitudine anxia atque sollicita est*, said Seneca[s]. An evil conscience is ashamed of light, and afraid of darkness; and therefore nothing can secure it. But being ashamed before judges and assemblies, it flies from them into solitudes, and when it is there, the shame is changed into fear, and therefore from thence it runs abroad into societies of merry criminals and drinking sanctuaries, which is nothing but a shutting the eyes, and hiding the head, while the body is exposed to a more certain danger. It cannot be avoided, it was and is and will eternally be true, *Perjurii pœna divina exitium, humana dedecus esto*[t], which S. Paul perfectly renders, "The things whereof ye are now ashamed;

[o] [Phæd., § 144. tom. v. p. 392.]
[p] [Stat. sylv., ii. 7. 118.]
[q] [Prov. x. 9.]
[r] [Cf. vol. iv. p. 259. The same sentiment is ascribed to Peregrinus, or Proteus, by Aulus Gellius, xii. 11.]
[s] [Epist. xliii. tom. ii. p. 147.]
[t] Cicero de legib., lib. ii. [cap. 9.]

the end of these things is death[u]." Death is the punishment which God inflicts, and shame is that which comes from man.

§ 12. 3) There is another effect which cannot be well told by him that feels it, or by him that sees it, what it is; because it is a thing without limit and without order. It is a distraction of mind, indeterminate, divided thoughts, flying every thing, and pursuing nothing. It was the case of Nebuchadnezzar, οἱ διαλογισμοὶ αὐτοῦ διετάρασσον αὐτὸν[v], 'his thoughts troubled him.' *Varios vultus, disparilesque sensus*[x]; like the sophisters, who in their pursuit of vain-glory displeased the people, and were hissed from their pulpits; nothing could amaze them more, they were troubled like men of a disturbed conscience. The reason is, they are fallen into an evil condition which they did not expect; they are abused in their hopes, they are fallen into a sad state of things, but they know not yet what it is, nor where they are, nor whither it will bear them, nor how to get out of it. This indeed is commonly the first part of the great evil; shame goes along with the sin in the very acting it, but as soon as it is acted, then begins this confusion,

—— nefas tandem incipiunt sentire peractis
Criminibus[y],——

they thought of nothing but pleasure before, but as soon as they have finished, then they begin to taste the wormwood and the *colloquintida*; *perfecto demum scelere, magnitudo ejus intellecta est,* said Tacitus[z]. While they were doing it, they thought it little, or they thought it none, because their fancy and their passion ruled; but when that is satisfied and burst with a filthy plethory, then they understand how great their sin is, but are distracted in their thoughts, for they understand not how great their calamity shall be.

Occultum quatiente animo tortore flagellum[a],

the secret tormentor shakes the mind, and dissolves it into indiscrimination and confusion. The man is like one taken in a lie, or surprised in a shameful act of lust or theft; at first he knows not what to say, or think, or do, and his spirits huddle together, and fain would go some where, but they know not whither, and do something, but they know not what.

§ 13. This confusion and first amazement of the conscience, in some vile natures and baser persons, proceeds to impudence and hardness of face.

—— frontemque a crimine sumunt[b],

when they are discovered they rub their foreheads hard, and consider it cannot be worse, and therefore in their way they make the best of it; that is, they will not submit to the judgment of conscience, nor

[u] [Rom. vi. 21.]
[v] [Dan. v. 6. seems here confused with iv. 5, or 19: see the Greek version of Theodotion among the LXX.]
[x] A. Gell., lib. v. [cap. 1.]
[y] [Juv. xiii. 238.]
[z] Lib. xiv. annal. [cap. 10.]
[a] [Juv. xiii. 195.]
[b] [vid. Juv. vi. 285.]

suffer her infliction, but take the fortune of the banditti, or of an outlaw, rather than by the rule of subjects suffer the penalty of the law, and the severity of the judge. But conscience hath no hand in this, and whatsoever of this nature happens, it is in despite of conscience; and if it proceeds upon that method, it goes on to obstinacy, hardness of heart, a resolution never to repent, a hatred of God, and reprobation. For if conscience be permitted to do its work, this confusion when it comes to be stated, and that the man hath time to consider, it passes on to fear; and that is properly the next effect.

§ 14. 4) An evil or a guilty conscience is disposed for fear, shame and fear cannot be far asunder. . . .

Ἔνθα δίος, ἐνταῦθα καὶ αἰδώς[c].

Sin makes us ashamed before men, and afraid of God: an evil conscience makes man a coward, timorous as a child in a church porch at midnight: it makes the strongest men to tremble like the keepers of the house of an old man's tabernacle.

Ὁ συνιστορῶν αὐτῷ τι, κἂν ᾖ θρασύτατος,
Ἡ σύνεσις αὐτὸν δειλότατον εἶναι ποιεῖ,

said Menander[d], 'no strength of body, no confidence of spirit is a defensative against an evil conscience, which will intimidate the courage of the most perfect warrior.'

Qui terret, plus iste timet, sors ista tyrannis
Convenit; invideant claris, fortesque trucident,
Muniti gladiis vivant, septique venenis,
Ancipites habeant arces, trepidique minentur.

So Claudian[e] describes the state of tyrants and injurious persons; they do evil and fear worse, they oppress brave men, and are afraid of mean fellows; they are encompassed with swords, and dwell amongst poisons; they have towers with back doors and many outlets, and they threaten much, but themselves are most afraid. We read of Belteshazzar, his knees beat against each other upon the arrest made on him by the hand on the wall, which wrote the sentence of God in a strange character because he would not read the writing in his conscience. This fear is very great and very lasting even in this world: and is rarely well described by Lucretius[f].

Cerberus et Furiæ——
—— neque sunt usquam, neque possunt esse profecto:
Sed metus in vita pœnarum pro malefactis
Est insignibus insignis; scelerisque luela
Carcer, et horribilis de saxo jactu' deorsum,
Verbera, carnifices, robur, pix, lumina, tædæ,
Quæ tamen etsi absunt, at mens sibi conscia facti
Præmetuens adhibet stimulos, torretque flagellis;

which description of the evil and intolerable pains and fears of conscience is exceeded by the author of the Wisdom of Solomon[g]. *Indis-*

[c] Epicharm. [Al. Stasin. in Cypriac. apud Stob. floril., xxxi. 18.]
[d] [Apud Stob. floril., xxiv. 3.]
[e] De iv. Honor. consul. [290.]
[f] Lucretius. [iii. 1024.]
[g] [Wisd. xvii.]

ciplinatæ animæ erraverunt; that is the ground of their misery; 'the souls were refractory to discipline, and have erred.' They 'oppress the holy nation.' The effect was, 'they became prisoners of darkness, and fettered with the bands of a long night;' *fugitivi perpetuæ providentiæ jacuerunt,* 'they became outlaws from the divine providence. And while they supposed to lie hid in their secret sins, they were scattered under a dark veil of forgetfulness;' *paventes horrende, et cum admiratione nimia perturbati,* 'they did fear horribly, and disturbed with a wonderful amazement. For neither might the corner that held them keep them from fear, but a sound descending did trouble them:' *et personæ tristes apparentes pavorem illis præstabant,* 'sad apparitions did affright them; a fire appeared to them, very formidable;' *et timore percussi ejus quæ non videbatur faciei;* 'they were affrighted with the apprehensions of what they saw not:' and all the way in that excellent description there is nothing but fear and affrightment, horrid amazement and confusion; *pleni timore,* and *tremebundi peribant,* 'full of fear,' and 'they perished trembling;' and then follows the philosophy and rational account of all this. *Frequenter enim præoccupant pessima redarguente conscientia,* 'when their conscience reproves them, they are prepossessed with fearful expectations. For wickedness condemned by her own witness is very timorous.' *Cum enim sit timida nequitia dat testimonium condemnata:* 'conscience gives witness and gives sentence, and when wickedness is condemned it is full of affrightment.' For fear is *præsumptionis adjutorium,* 'the allay of confidence and presumption,' and the promoter of its own apprehensions, and betrays the succours that reason yields. For indeed in this case no reason can dispute a man out of his misery; for there is nothing left to comfort the conscience, so long as it is devested of its innocence. The prophet Jeremy[h] instances this in the case of Pashur, who oppressed the prophets of the Lord, putting them in prison and forbidding them to preach in the name of the Lord: "Thy name shall be no more called Pashur, but Magor Missabib," that is, fear round about, "for I will make thee a terror unto thyself."

§ 15. This fear of its own nature is apt to increase, for indeed it may be infinite. . . .

> Nec videt interea quis terminus esse malorum
> Possit, nec quæ sit pœnarum denique finis:
> Atque eadem metuunt magis, hæc ne in morte gravescant.
> Hinc Acherusia sit stultorum denique vita[i].

He that fears in this case, knows not the greatness and measure of the evil which he fears; it may arrive to infinite, and it may be any thing, and it may be every thing, and therefore there is,

§ 16. 5) An appendant perpetuity and restlessness; a man of an evil conscience is never at quiet. *Impietas enim malum infinitum*

[h] [Jer. xx. 3, 4.] [i] Lucret. [iii. 1033.]

est, quod nunquam extingui potest, said Philo[k]. He is put to so many shifts to excuse his crime before men, and cannot excuse it to God or to himself, and then he is forced to use arts of forgetfulness, that he may not remember his sorrow; he runs to weakness for excuse, and to sin for a comfort, and to the methods and paths of hell for sanctuary, and rolls himself in his uneasy chains of fire, and changes from side to side upon his gridiron till the flesh drop from the bones on every side. This is the poet's vulture,

> Immortale jecur tundens, fœcundaque pœnis
> Viscera, rimaturque epulis, habitatque sub alto
> Pectore, nec fibris requies datur ulla renatis[l].

It gnaws perpetually, and consumes not, being like the fire of hell, it does never devour, but torments for ever.

§ 17. 6) This fear and torment, which is inflicted by conscience, does not only increase at our death, but after death is the beginning of hell. For these are the fire of hell: ὀδυνῶμαι ἐν τῇ φλογὶ ταύτῃ, "I am tormented in this flame," so said Dives when he was in torments; that is, he had the torments of an evil conscience, for hell itself is not to be opened till the day of judgment; but the sharpest pain is usually expressed by fire, and particularly the troubles of mind are so signified. *Urit animum meum;* 'this burns,' that is, this exceedingly troubles my mind; and *uro hominem* in the comedy[m], 'I vex him sufficiently, I burn him;' *loris non ureris,* 'thou art not tormented with scourgings.'

> Pœna autem vehemens, et multo sævior illis
> Quos et Cæditius gravis invenit, et Rhadamanthus,
> Nocte dieque suum gestare in pectore testem[n].

This is a part of hell fire, the smoke of it ascends night and day; and it is a preparatory to the horrible sentence of doomsday, as the being tormented in prison is to the day of condemnation and execution. The conscience in the state of separation does accuse perpetually, and with an insupportable amazement fears the revelation of the day of the Lord.

> Et cum fateri furia jusserit verum,
> Cogente clamet conscientia, Scripsi[o].

The fury within will compel him to confess, and then he is prepared for the horrible sentence, as they who upon the rack accuse themselves, and then they are carried to execution. Menippus in Lucian[p] says that the souls of them that are dead are accused by the shadows of their bodies. Αὗται τοίνυν ἐπειδὰν ἀποθάνωμεν κατηγοροῦσί τε καὶ καταμαρτυροῦσι καὶ διελέγχουσι τὰ πεπραγμένα ἡμῖν παρὰ τὸν βίον· and these he says are ἀξιόπιστοι, 'worthy of belief,' because they are always present, and never parted from the bodies; meaning that a man's

[k] De profugis. [tom. iv. p. 251.]
[l] [Virg. Æneid. vi. 598.]
[m] [Terent. Eunuch. ii. 3. 274.]
[n] Juvenal. [xiii. 196.]
[o] Martial. [x. 5. 18.]
[p] Νεκυομαντεία. [cap. xi. tom. i. p. 198.]

conscience which is inseparable as a shadow, is a strong accuser and a perfect witness: and this will never leave them till it carries them to hell, and then the fear is changed into despair, and indignation, and hatred of God, and eternal blasphemy. This is the full progress of an evil conscience, in its acts of binding.

Quest.

§ 18. But if it be enquired by what instrument conscience does thus torment a man, and take vengeance of him for his sins, whether it hath a proper efficiency in itself, and that it gives torment, as it understands, by an exercise of some natural power; or whether it be by an act of God inflicting it; or by opinion and fancy, by being persuaded of some future events which shall be certainly consequent to the sin; or by religion and belief; or lastly by deception and mere illusion, and upon being affrighted with bugbears? I answer,

§ 19. That it does or may afflict a man by all these. For its nature is to be inquisitive and busy, querulous and complaining; and to do so is as natural to it, as for a man to be grieved when any thing troubles him. But because men have a thousand little arts to stifle the voice of conscience, or at least that themselves may not hear it, God oftentimes awakens a man by a sudden dash of thunder and lightning, and makes the conscience sick and troublesome; just as upon other accidents a man is made sad, or hardened, or impudent, or foolish, or restless, and sometimes every dream, or sad story that the man hath heard, the flying of birds, and the hissing of serpents, or the fall of waters, or the beating of a watch, or the noise of a cricket, or a superstitious tale, is suffered to do the man a mischief and to increase his fear.

> Ergo exercentur pœnis, veterumque malorum
> Supplicia expendunt[q].

This the poets and priests expressed by their Adrastea, Nemesis, Minos, Æacus, and Rhadamanth: not that these things were real,

> —— neque sunt usquam, neque possunt esse profecto,

said one of them[r]; but yet to their pains and fears they gave names, and they put on persons, and a fantastic cause may have a real event, and therefore must come from some further principle: and if an evil man be affrighted with a meteor or a bird, by the chattering of swallows (like the young Greek in Plutarch[s]), or by his own shadow (as Orestes was), it is no sign that the fear is vain, but that God is the author of conscience, and will beyond the powers of nature and the arts of concealment set up a tribunal, and a gibbet, and a rack in the court of conscience. And therefore we find this evil threatened by God to fall upon sinners. "They that are left alive of you in the land of your captivity, I will send fainting in their hearts in the land

[q] [Æneid. vi. 739.]
[r] [Lucret. iii. 1026.]
[s] [De ser. num. vindict., tom. viii. p. 190.]

of their enemy, and the sound of a leaf shall chase them[t]:" and again, "The Lord shall give thee there a trembling heart, and failing of eyes, and sorrow of mind, and thy life shall hang in doubt before thee, and thou shalt fear day and night, and shalt have no assurance of thy life[u]:" and this very fear ends in death itself; it is a mortal fear sometimes, for when the prophet Isaiah[x] had told concerning Jerusalem, "Thy slain men are not slain with the sword, nor dead in battle;" to the enquiry of those who ask, how then were they slain? the answer is made by a learned gloss upon the place, *Homines hi non expectato adventu hostis, velut transfossi exanimantur metu,* 'they were dead with fear, slain with the affrightments of their own conscience, as if they were transfixed by the spear of their enemies.' *Quid ergo nos a diis immortalibus divinitus expectemus, nisi errationibus finem faciamus,* said Q. Metellus in A. Gellius[y]. There is no avoiding punishment, unless we will avoid sin; since even a shadow as well as substances may become a Nemesis, when it is let loose by God and conducted by conscience.

§ 20. But the great instrument of bringing this to pass is that certainty of persuasion which is natural in all men, and is taught to all men, and is in the sanction of all laws expressly affirmed by God, that evil shall be to them that do evil;

> θεοὺς ἀτίζων τις βροτῶν, δώσει δίκην[a].

'he that dishonours God shall not escape punishment:' both in this life,

> Ultrix Erinnys impio dignum parat
> Lethum tyranno[a],——

and after this life; for so they reckoned, that adulterers, rebels, and traitors should be kept in prisons in fearful expectation of horrid pains;

> Quique ob adulterium cæsi, quique arma secuti
> Impia, nec veriti dominorum fallere dextras,
> Inclusi pœnam expectant[b],——

all this is our conscience, which in this kind of actions and events is nothing but the certain expectation and fear of the divine vengeance.

Quest.

§ 21. But then why is the conscience more afraid in some sins than in others, since in sins of the greatest malignity we find great difference of fear and apprehension, when because they are of extreme malignity there can be no difference in their demerit?

§ 22. I answer, although all sins be damnable, yet not only in the several degrees of sin, but in the highest of all there is great dif-

[t] [Lev. xxvi. 36.]
[u] [Deut. xxviii. 65, 6.]
[x] [Isa. xxii. 2.]
[y] Lib. i. [c. 6.]
[a] Æschyl. [Suppl. 733.]
[a] Senec. Octav. act. iii. [620.]
[b] [Æn. vi. 612.]

ference; partly proceeding from the divine threatenings, partly from fame and opinion, partly from other causes. For

1) There are some sins which are called *peccata clamantia*, 'crying sins;' that is, such which cry aloud for vengeance; such which God not only hath specially threatened with horrid plagues, but such which do seldom escape vengeance in this life, but for their particular mischief are hedged about with thorns, lest by the frequency they become intolerable. Such are sacrilege, oppression of widows and orphans, murder, sodomy, and the like. Now if any man falls into any of these crimes, he sees an angel with a sword drawn stand before him; he remembers the angry words of God, and calls to mind that so few have escaped a severe judgment here, that God's anger did converse with men, and was clothed with our circumstances, and walked round about us; and less than all this is enough to scare an evil conscience. But

2) There are some certain defensatives and natural guards which God hath placed in men against some sins: such as are a natural abhorrency against unnatural lusts; a natural pity against murder and oppression; the double hedge of sacredness and religion against sacrilege. He therefore that commits any of these sins does so much violence to those defensatives, which were placed either in or upon his heart, that such an act is a natural disease, and vexes the conscience not only by a moral but by a natural instrument.

3) There are in these crying sins certain accidents and appendages of horror which are apt to amaze a man's mind: as in murder there is the circumstance and state of death, which when a man sees and sees alone, and sees that himself hath acted, it must needs affright him, since naturally most men abhor to be alone with a dead corpse; so also in oppression of widows, a man meets with so many sad spectacles, and hears so many groans, and clamorous complaints, such importunities, and such prayers, and such fearful cursings, and perpetual weepings, that if a man were to use any artifice to trouble a man's spirit, he could not dress his scene with more advantage.

4) Fame hath a great influence into this effect, and there cannot easily be a great shame amongst men, but there must be a great fear of vengeance from God; and the shame does but antedate the divine anger, and the man feels himself entering into it when he is enwrapped within the other. A man committing a foul sin, which hath a special dishonour and singular disreputation among men, is like a wolf espied amongst the sheep. The outcry and noises among the shepherds make him fly for his life, when he hears a vengeance coming. And besides, in this case it is a great matter that he perceives all the world hates him for his crime, and that which every one decries must needs be very hateful and formidable, and prepared for trouble.

5) It cannot be denied but opinion also hath some hand in this affair; and some men are affrighted from their cradle in some instances, and permitted or connived at in others; and the fears of childhood

are not shaken from the conscience in old age: as we see the persuasions of childhood in moral actions are permanent, so is the fear and hope which were the sanction and establishment of those persuasions. Education and society, and country customs, and states of life, and the religion or sect of the man's professing, hath influence into their portions of this effect.

§ 23. The consequent of this discourse is this, that we cannot take any direct accounts of the greatness or horror of a sin by the affrightment of conscience: for it is with the affrightments of conscience as it is in temporal judgments; sometimes they come not at all, and when they do, they come irregularly, and when they do not, the man does not escape. But in some sins God does strike more frequently than in others, and in some sins men usually are more affrighted than in others. The outward judgment and the inward fear are intended to be deleteries of the sin, and instruments of repentance; but as some great sins escape the rod of God in this life, so are such sinners oftentimes free from great affrightments. But as he who is not smitten of God, yet knows that he is always liable to God's anger, and if he repents not, it will certainly fall upon him hereafter: so it is in conscience; he that fears not, hath never the less cause to fear, but oftentimes a greater, and therefore is to suspect and alter his condition, as being of a deep and secret danger; and he that does fear must alter his condition, as being highly troublesome. But in both cases conscience does the work of a monitor and a judge. In some cases conscience is like an eloquent and a fair spoken judge, which declaims not against the criminal, but condemns him justly: in others, the judge is more angry, and affrights the prisoner more, but the event is the same. For in those sins where the conscience affrights, and in those in which she affrights not, supposing the sins equal but of differing natures, there is no other difference; but that conscience is a clock, which in one man strikes aloud and gives warning, and in another the hand points silently to the figure, but strikes not; but by this he may as surely see what the other hears, viz., that his hours pass away, and death hastens, and after death comes judgment.

§ 24. But by the measures of binding we may judge of the loosing, or absolution, which is part of the judgment of conscience, and this is the greatest pleasure in the world;

> Μόνον δὲ τοῦτό φασ' ἀμιλλᾶσθαι βίῳ,
> Γνώμην δικαίαν κἀγαθὴν ὅτῳ παρῇ[c].

a good conscience is the most certain, clearest, and undisturbed felicity[d]. *Lectulus respersus floribus bona est conscientia, bonis refecta operibus*[e]. 'No bed so soft, no flowers so sweet, so florid and delicious as a good conscience,' in which springs all that is delectable, all that may sustain and recreate our spirits. *Nulla re tam lætari soleo quam officiorum meorum conscientia,* 'I am pleased in

[c] Euripid. [Hippol. 427.]
[d] [2 Cor. i. 12.]
[e] [vid. Bernard. in Cant. serm. ii. col. 1761.]

nothing so much as in the remembrances and conscience of my duty,' said Cicero[f]. Upon this pillow and on this bed Christ slept soundly in a storm, and S. Peter in prison so fast that the brightness of an angel could not awake him, or make him to rise up without a blow on his side. This refreshed the sorrows of Hezekiah when he was smitten with the plague, and not only brought pleasure for what was past, and so doubled the good of it,

Vivere bis, vita posse priore frui;

but it also added something to the number of his years,

Ampliat ætatis spatium sibi vir bonus[g].——

And this made Paul and Silas sing in prison and in an earthquake; and that I may sum up all the good things in the world, I borrow the expression of S. Bernard[h], *Bona conscientia non solum sufficit ad solatium sed etiam ad coronam,* 'it is here a perpetual comfort, it will be hereafter an eternal crown.'

§ 25. This very thing Epicurus observed wisely, and in his great design for pleasure commended justice as the surest instrument to procure it. So Antiphon[i], *Conscium esse sibi in vita nullius criminis multum voluptatis parit:* and Cato in Cicero[k], *Conscientia bene actæ vitæ multorumque bene factorum recordatio jucundissima est.* Nothing is a greater pleasure than a good conscience; for there is peace and no disturbance; καρπὸς μέγιστος ἀταραξία, 'quietness is the best fruit,' and that grows only upon the tree in the midst of paradise, upon the stock of a holy heart or conscience. Only care is to be taken, that boldness be not mistaken for peace, and hardness of heart for a good conscience. It is easy to observe the difference, and no man can be innocently abused in this affair. Peace is the fruit of a holy conscience: but no man can say, I am at peace, therefore I have a holy conscience; but, I have lived innocently, or I walk carefully with my God, and I have examined my conscience severely, and that accuses me not; therefore this peace is a holy peace, and no illusion. A man may argue thus, I am in health, and therefore the sleep I take is natural and healthful: but not thus, I am heavy to sleep, therefore I am in health; for his dulness may be a lethargy. A man may be quiet, because he enquires not, or because he understands not, or because he cares not, or because he is abused in the notices of his condition. But the true peace of conscience is thus to be discerned.

SIGNS OF TRUE PEACE.

1) Peace of conscience is a rest after a severe enquiry. When Hezekiah was upon his death-bed as he supposed, he examined his

[f] [Ad divers., lib. v. epist. 7.]
[g] [Mart. x. 23.]
[h] [vid. de dom. inter., cap. xix. col. 1069.]
[i] [Antiphanes, ap. Stob. floril. xxiv. 7.]
[k] [De amicit., lib. iii. cap. 7.]

state of life, and found it had been innocent in the great lines and periods of it; and he was justly confident.

2) Peace of conscience can never be in wicked persons, of notorious evil lives. It is a fruit of holiness, and therefore what quietness soever is in persons of evil lives, it is to be attributed to any other cause, rather than innocence; and therefore is to be called any thing rather than just peace. "The adulterous woman eateth and wipeth her mouth, and saith, I have done no wickedness[l]." And Pilate "washed his hands," when he was dipping them in the most innocent, the best and purest blood of the world. But S. Paul had peace, because he really had "fought a good fight." And it is but a fond way to ask a sign how to discern when the sun shines. If the sun shines we may easily perceive it, and then the beams we see are the sunbeams; but it is not a sure argument to say, I see a light, therefore the sun shines; for he may espy only a tallow candle, or a glow-worm.

3) That rest which is only in the days of prosperity[m], is not a just and a holy peace, but that which is in the days of sorrow and affliction. The noise and madness of wine, the transportations of prosperity, the forgetfulness of riches, and the voice of flatterers outcry conscience, and put it to silence; and there is no reason to commend a woman's silence and modesty when her mouth is stopped. But in the days of sorrow, then conscience is vocal, and her muffler is off;

> —— Invigilant animo, scelerisque patrati[n]
> Supplicium exercent curæ, tunc plurima versat
> Pessimus in dubiis augur timor[o],——

and then a man naturally searches every where for comfort; and if his heart then condemns him not, it is great odds but it is a holy peace.

4) Peace of mind is not to be used as a sign that God hath pardoned our sins, but is only of use in questions of particular fact. What evils have I done? what good have I done? the peace that comes after this examination is holy and good. But if I have peace in these particulars, then have I 'peace towards God' also, as to these particulars. But whether I have pardon for other sins which I have committed, is another consideration, and is always more uncertain. But even here also a peace of conscience is a blessing that is given to all holy penitents more or less, at some time or other according as their repentance proceeds, and their hope is exercised: but it is not to be judged of by sense, and ease, but by its proper causes. It never comes but after fear, and labour, and prayers, and watchfulness, and assiduity; and then what succeeds is a blessing, and a fair indication of a bigger.

[l] [Prov. xxx. 20.]
[m] [Ecclus. xiii. 26.]
[n] ['parati' vel 'peracti;' vel 'sceleri paratæ,' MSS.]
[o] Statius, Theb. iii. [4.]

5) True peace of conscience is always joined with a holy fear; a fear to offend, and a fear of the divine displeasure for what we have offended: and the reason is, because all peace that is so allayed is a peace after enquiry, a peace obtained by just instruments, relying upon proper grounds; it is rational, and holy, and humble; neither carelessness, nor presumption is in it.

6) True peace of conscience relies not upon popular noises, and is not a sleep procured by the tongues of flatterers, or opinions of men, but is a peace from within, relying upon God and its own just measures. It is an excellent discourse which Seneca[p] hath, *Est aliquando gratus etiam qui ingratus videtur, quem mala interpres opinio in contrarium deducit; hic quid aliud sequitur, quam ipsam conscientiam, quæ etiam obruta delectat, quæ concioni ac famæ reclamat, et in se omnia reponit, et cum ingentem ex altera parte turbam contra sentientium aspexit, non numerat suffragia, sed una sententia vincit?* 'Some men are thankful, who yet seem unthankful, being wronged by evil interpretation; but such a man what else does he follow but his conscience, which pleases him, though it be overborne with slander, and when she sees a multitude of men that think otherwise, she regards not, nor reckons suffrages by the poll, but is victorious by her single sentence?' but the excellency and great effect of this peace he afterwards describes: *Si vero bonam fidem perfidiæ suppliciis affici videt, non descendit e fastigio, sed supra pœnam suam consistit. Habeo, inquit, quod volui, quod petii. Non pœnitet, nec pœnitebit: nec ulla iniquitate me eo fortuna perducet, ut hanc vocem audiam, Quid mihi volui? Quid mihi nunc prodest bona voluntas? Prodest et in equuleo, prodest et in igne, qui si singulis membris admoveatur, et paulatim vivum corpus circumeat; licet ipsum corpus plenum bona conscientia stillet, placebit illi ignis per quem bona fides collucebit.* 'A good conscience loses nothing of its confidence and peace for all the tortures of the world. The rack, the fire shall not make it to repent and say, what have I purchased? But its excellency and integrity shall be resplendent in the very flames.' And this is the meaning of the proverb used by the Levantines, "heaven and hell are seated in the heart of man." As his conscience is, so he is happy, or extremely miserable. "What other men say of us, is no more than what other men dream of us," said S. Gregory Nazianzen[q]. It is our conscience that accuses or condemns to all real events and purposes.

§ 26. And now all this is nothing but a persuasion partly natural, partly habitual, of this proposition which all the nations, and all the men in the world have always entertained as the band of all their religion, and private transactions of justice and decency, *Deum remuneratorem esse,* 'that God is a just rewarder of all actions.' I sum up the premises in the words of the orator[r]; *Magna vis est*

[p] Lib. iv. de benefic., c. 21. [tom. i. p. 721.]

[q] [Orat. xxxvi. § 6. tom. i. p. 639 D.]

[r] Cicero pro Milone. [cap. xxiii.]

conscientiæ, judices, et magna in utramque partem: ut neque timeant qui nihil commiserint, et pœnam semper ante oculos versari putent qui peccarint. 'On either side conscience is mighty and powerful, to secure the innocent, and to afflict the criminal.'

§ 27. But beyond these offices now described, conscience does sometimes only 'counsel' a thing to be done; that is, according to its instruction, so it ministers to holiness. If God hath put a law into our minds, conscience will force obedience, or make us to suffer for our disobedience; but if a proposition tending to holiness and its advantages be entrusted to the conduct of conscience, then it presses it by all its proper inducements, by which it was laid up there, and leaves the spirit of a man to his liberty; but if it be not followed, it upbraids our weaknesses, and chides our follies, and reproves our despising holy degrees, and greater excellencies of glory laid up for loving and willing spirits. Such as is that of Clemens Alexandrinus[s] in the matter of an evangelical counsel; Οὐχ ἁμαρτάνει μὲν κατὰ διαθήκην, οὐ γὰρ κεκώλυται πρὸς τοῦ νόμου· οὐ πληροῖ δὲ τῆς κατὰ τὸ ἐναγγέλιον πολιτείας τὴν κατ' ἐπίτασιν τελειότητα, 'he that does so and so, sins not; for he is not forbidden by the law of the gospel; but yet he falls short of the perfection that is designed and propounded to voluntary and obedient persons.' To sum up this:

§ 28. When S. Paul had reproved the endless genealogies of the Gnostics and Platonists, making circles of the same things, or of divers, whose difference they understood not; as intelligence, fear, majesty, foundation[t], wisdom, magnificence, mercy, victory, kingdom, foundation[t], God, and such unintelligible stuff which would make fools stare, and wise men at a loss: he subjoins a short, but a more discernible genealogy and conjugation of things to our purpose[u]. "The end of the commandment is love out of a pure heart, and a good conscience, and faith unfeigned:" that is, out of 'an unfeigned faith' proceeds 'a good conscience;' that is, abstinence from sin; and from thence comes purity of heart, or a separation from the trifling regards of the world, and all affections to sin; and these all end in charity: that is, in peace, and joy, and the fruition and love of God, in unions and contemplations in the bosom of eternity. So that faith is the first mover in the understanding part, and the next is conscience, and they both purify the heart from false persuasions, and evil affections; and then they join to the production of love and of felicity.

Thus far is the nature and offices of conscience. It will concern us next, to consider by what general measures we are to treat our conscience, that it may be useful to us in all the intentions of it, and in the designs of God.

[s] Stromat. [lib. iii. cap. 12. p. 548.]
[t] [Sic edd.]
[u] [1 Tim. i. 5; 2 Tim. ii. 22; i. 3; Heb. ix. 14; x. 22; xiii. 18; Acts xv. 9.]

RULE III.

BE CAREFUL THAT PREJUDICE OR PASSION, FANCY AND AFFECTION, ERROR OR ILLUSION, BE NOT MISTAKEN FOR CONSCIENCE.

§ 1. NOTHING is more usual, than to pretend conscience to all the actions of men which are public, and whose nature cannot be concealed. If arms be taken up in a violent war, enquire of both sides why they engage on that part respectively; they answer, because of their conscience. Ask a schismatic why he refuses to join in the communion of the church; he tells you, it is against his conscience. And the disobedient refuse to submit to laws; and they also in many cases pretend conscience. Nay, some men suspect their brother of a crime, and are persuaded (as they say) in conscience that he did it: and their conscience tells them that Titius did steal their goods, or that Caia is an adulteress. And so suspicion, and jealousy, and disobedience, and rebellion, are become conscience; in which there is neither knowledge, nor revelation, nor truth, nor charity, nor reason, nor religion. *Quod volumus sanctum est*[u], was the proverb of Tichonius and the Donatists.

Nemo suæ mentis motus non æstimat æquos,
Quodque volunt homines se bene velle putant[v],

'Every man's way seems right in his own eyes;' and what they think is not against conscience, they think or pretend to think it is an effect of conscience, and so their fond persuasions and fancies are made sacred, and conscience is pretended, and themselves and every man else is abused. But in these cases and the like, men have found a sweetness in it to serve their ends upon religion, and because conscience is the religious understanding, or the mind of a man as it stands dressed in and for religion, they think that some sacredness or authority passes upon their passion or design, if they call it conscience.

§ 2. But by this rule it is intended that we should observe the strict measures of conscience. For an illusion may make a conscience, that is, may oblige by its directive and compulsive power. Conscience is like a king whose power and authority is regular, whatsoever counsel he follows; and although he may command fond things, being abused by flatterers, or misinformation, yet the commandment issues from a just authority, and therefore equally passes into a law: so it is in conscience. If error or passion dictates, the king is misinformed, but the inferiors are bound to obey; and we may no more disobey our conscience commanding of evil things, than we may disobey our king enjoining things imprudent and inconvenient. But therefore this rule gives caution to observe the information and inducement, and if we can discern the abuse, then the evil is avoided. For this governor,

[u] [August. contr. epist. Parmen., lib. ii. cap. 13. tom. ix. col. 46 E.]

[v] Prosper., Epigr. de cohibenda ira. [p. 95 F.]

conscience, is tied to laws, as kings are to the laws of God and nations, to justice and charity; and a man's conscience cannot be malicious; his will may, but if the error be discovered, the conscience, that is, the practical understanding cannot. For it is impossible for a man to believe what himself finds to be an error: and when we perceive our conscience to be misguided, the deception is at an end. And therefore to make up this rule complete, we ought to be strict and united to our rule, for by that only we can be guided, and by the proportions to it we can discern right and wrong, when we walk safely, and when we walk by false fires. Concerning which, besides the direct survey of the rule and action, and the comparing each other, we may in cases of doubt and suspicion be helped by the following measures.

ADVICES FOR THE PRACTICE OF THE FORMER RULE.

§ 3. 1) We are to suspect our conscience to be misinformed when we are not willing to enquire into the particulars. He that searches, desires to find, and so far takes the right course; for truth can never hurt a man, though it may prejudice his vice, and his affected folly. In the enquiries after truth, every man should have a traveller's indifferency, wholly careless whether this or that be the right way, so he may find it. For we are not to choose the way because it looks fair, but because it leads surely. And to this purpose, the most hearty and particular inquest is most prudent and effective. But we are afraid of truth when we will not enquire, that is, when the truth is against our interest or passion, our lust or folly, that is, seemingly against us, in the present indisposition of our affairs.

§ 4. 2) He that resolves upon the conclusion before the premises, enquiring into particulars to confirm his opinion at aventures, not to shake it if it be false, or to establish it only in case it be true, unless he be defended by chance, is sure to mistake, or at least can never be sure whether he does or no.

This is to be understood in all cases to be so unless the particular unknown be secured by a general that is known. He that believes Christ's advocation and intercession for us in heaven upon the stock of scripture, cannot be prejudiced by this rule, although in the enquiries of probation, and arguments of the doctrine, he resolve to believe nothing that shall make against his conclusion; because he is ascertained by a proposition that cannot fail him. The reason of this exception is this, because in all discourses which are not perfectly demonstrative, there is one lame supporter, which must be helped out by the better leg; and the weaker part does its office well enough, if it can bring us to a place where we may rest ourselves and rely. He that cannot choose for himself, hath chosen well enough if he can choose one that can choose for him; and when he hath, he may prudently rely upon such a person in all particulars, where he himself cannot judge, and the other can, or he thinks he can, and cannot well know the contrary. It is easier to judge of the general lines of

duty, than of minutes and particulars: and travellers that are not well skilled in all the little turnings of the ways, may confidently rely upon a guide whom they choose out of the natives of the place; and if he understands the coast of the country, he may well harden his face against any vile person that goes about wittily to persuade him he must go the contrary way, though he cannot answer his arguments to the contrary. A man may prudently and piously hold a conclusion which he cannot defend against a witty adversary, if he have one strong hold upon which he may rely for the whole question; because he derives his conclusion from the best ground he hath, and takes the wisest course he can, and uses the best means he can get, and chooses the safest ways that are in his power. No man is bound to do better than his best.

§ 5. 3) Illusion cannot be distinguished from conscience, if in our search we take a wrong course and use incompetent instruments. He that will choose to follow the multitude which easily errs, rather than the wise guides of souls; and a man that is his partner in the question rather than him that is disinteressed; and them that speak by chance, rather than them who have studied the question; and a man of another profession, rather than him whose office and employment it is to answer; hath no reason to be confident he shall be well instructed. John Nider tells an apologue well enough to this purpose[w]: Two brethren travelling together, whereof one was esteemed wise, and the other little better than a fool, came to a place where the way parted. The foolish brother espying one of them to be fair and pleasant, and the other dirty and uneven, would needs go that way, though his wiser brother told him, that in all reason that must needs be the wrong way; but he followed his own eyes, not his brother's reason: and his brother being more kind than wise, though against his reason, followed his foolish brother; they went on till they fell into the hands of thieves, who robbed them and imprisoned them, till they could redeem themselves with a sum of money. These brothers accuse each other before the king as author of each other's evil. The wiser complained that his brother would not obey him, though he was known to be wiser, and spake reason. The other complained of him for following him that was a fool, affirming that he would have returned back if he had seen his wise brother confident, and to have followed his own reason. The king condemned them both; the fool because he did not follow the direction of the wise, and the wise because he did follow the wilfulness of the fool. So will God deal with us at the day of judgment in the scrutinies of conscience. If appetite refuses to follow reason, and reason does not refuse to follow appetite, they have both of them taken incompetent courses, and shall perish together. It was wisely said of Brutus to Cicero[x], *Malo tuum judicium, quam ex altera parte omnium istorum.*

[w] In Lavacro Conscient. [in prolog., 8vo. Rothom. s. a., incerto auctore.]
[x] Lib. xi. famil. epist. [10.]

Tu enim a certo sensu et vero judicas de nobis, quod isti ne faciant, summa malevolentia et livore impediuntur, 'I prefer thy judgment singly before all theirs, because thou judgest by intuition of the thing; they cannot do that, being hindered by envy and ill will.' The particulars of reducing this advice to practice in all special cases, I shall afterwards enumerate; for the present, I say this only, that a man may consent to an evil authority, and rest in a false persuasion, and be conducted by an abused conscience, so long as the legislative reason is not conjoined to the judge conscience, that is, while by unapt instruments we suffer our persuasions to be determined.

§ 6. 4) That determination is to be suspected that does apparently serve an interest, and but obscurely serve a pious end.

Utile quod non vis do tibi consilium [y];

when that appears, and nothing else appears, the resolution or counsel is to be considered warily before it be pursued. It is a great allay to the confidence of the bold talkers in the church of Rome, and hinders their gain and market of proselytes from among the wise and pious very much; that most of their propositions for which they contend so earnestly against the other parts of christendom, do evidently serve the ends of covetousness and ambition, of power and riches, and therefore stand vehemently suspected of design and art, rather than of piety or truth of the article, or designs upon heaven. I instance in the pope's power over princes and all the world; his power of dispensation; the exemption of the clergy from jurisdiction of secular princes; the doctrine of purgatory and indulgences, by which once the friars were set awork to raise a portion for a lady, the niece of pope Leo the tenth [z]; the doctrine of transubstantiation, by the effects and consequence of which the priests are made greater than angels, and next to God; and so is also that heap of doctrines, by the particulars of which the ecclesiastical power is far advanced beyond the authority of any warrant from scripture, and is made highly instrumental for procuring absolute obedience to the papacy. In these things every man with half an eye can see the temporal advantage; but how piety and truth shall thrive in the mean while, no eye hath yet been so illuminate as to perceive. It was the advice of Ben Sirach [a], "Consult not with a woman touching her of whom she is jealous, neither with a coward in matters of war, nor with a merchant concerning exchange, nor with a buyer of selling, nor with an envious man of thankfulness, nor with an unmerciful man touching kindness, nor with the slothful for any work, nor with the hireling for a year of finishing work, nor with an idle servant of much business; hearken not unto these in any matter of counsel." These will counsel by their interest, not for thy advantage.

But it is possible that both truth and interest may be conjoined; and when a priest preaches to the people the necessity of paying tithes, where they are by law appointed, or when a poor man pleads for charity, or a man in debt urges the excellency of forgetfulness;

[y] Mart., lib. v. [ep. 20.] [z] [See vol. vi. p. 650.] [a] [Eccles. xxxvii. 11.]

the truth which they discourse of cannot be prejudiced by their proper concernments. For if the proposition serves the ends in religion, in providing for their personal necessities, their need makes the instances still the more religious, and the things may otherwise be proved. But when the end of piety is obscure, or the truth of the proposition is uncertain, then observe the bias; and if the man's zeal be bigger than the certainty of the proposition, it is to be estimated by the interest, and to be used accordingly.

But this is not to prejudice him that gives the counsel, for although the counsel is to be suspected, yet the man is not, unless by some other indications he betray himself. For he may be heartily and innocently persuaded of the thing he counsels, and the more easily and aptly believe that against which himself did less watch, because he quickly perceived it could not be against himself.

Add to this, the counsel is the less to be suspected if it be asked, than if it be offered. But this is a consideration of prudence, not of conscience directly.

§ 7. 5) If the proposition serve or maintain a vice, or lessen a virtue, it is certainly not conscience, but error and abuse; because no truth of God can serve God's enemy directly, or by its own force and persuasion. But this is to be understood only in case the answer does directly minister to sin, not if it does so only accidentally. Q. Furius is married to Valeria, but she being fierce and imperious, quarrelsome and loud, and he peevish and fretful, turns her away that he might have peace and live in patience. But being admonished by Hortensius the orator to take her again, he asked counsel of the priests, and they advise him to receive her. He answers, that then he cannot live innocently, but in a perpetual state of temptation, in which he daily falls. The priest replies, that it is his own fault; let him learn patience and prudence; for his fault in this instance is no warranty to make him neglect a duty in another; and he answered rightly. If he had counselled him to drink intemperately to make him forget his sorrow, or to break her bones to make her silent, or to keep company with harlots to vex her into compliance, his counsel had ministered directly to sin, and might not be received.

§ 8. 6) Besides the evidence of the thing, and a direct conformity to the rule, to be judged by every sober person, or by himself in his wits, there is ordinarily no other collateral assurance, but an honest hearty endeavour in our proportion, to make as wise enquiries as we can, and to get the best helps which are to be had by us, and to obey the best we do make use of. To which (because a deception may tacitly creep upon our very simplicity) if we add a hearty prayer, we shall be certainly guided through the labyrinth, and secured against ourselves, and our own secret follies. This is the counsel of the son of Sirach[a]; "Above all this, pray to the most High, that He will direct thy way in truth."

[a] [Ecclus. xxxvii. 15.]

RULE IV.

THE CONSCIENCE OF A VICIOUS MAN IS AN EVIL JUDGE, AND AN IMPERFECT RULE.

§ 1. THAT I mean the superior and inferior part of conscience is therefore plain, because the rule notes how the acts of conscience may be made invalid both as it is a ruler, and as it is a judge. But according to the several offices this truth hath some variety.

§ 2. 1) The superior part of conscience, or the *συντήρησις*, repository of practical principles (which for use and brevity sake, I shall call the phylactery), or the keeper of records; that is, that part which contains in it all the natural and reasonable principles of good actions, (such as are, God is to be worshipped, Do to others as they should do to thee, The pledge is to be restored, By doing harm to others thou must not procure thy own good, and the like) is always a certain and regular judge in the prime principles of reason and religion, so long as a man is in his wits, and hath the natural use of reason. For those things which are first imprinted, which are universal principles, which are consented to by all men without a teacher, those which Aristotle calls *κοινὰς ἐννοίας*, those are always the last removed, and never without the greatest violence and perturbation in the world. But it is possible for a man to forget his name and his nature: a lycanthropy made Nebuchadnezzar to do so, and a fever made a learned Greek do so: but so long as a man's reason is whole, not destroyed by its proper disease; that is, so long as a man hath the use of reason, and can and will discourse, so long his conscience will teach him the general precepts of duty; for they are imprinted in his nature, and there is nothing natural to the soul, if reason be not; and no reason is, unless its first principles be, and those first principles are most provided for, which are the most perfective of a man, and necessary to his well being, and those are such which concern the entercourse between God and man, and between men in the first and greatest lines of their society. The very opening of this chain is a sufficient proof; it is not necessary to intricate it by offering more testimony.

§ 3. 2) But then these general principles are either to be considered as they are habitually incumbent on the mind, or as actually applied to practice. In the former sense they can never be totally extinguished, for they are natural and will return whenever a man ceases from suffering his greatest violence; and those violences which are so

destructive of nature as this must be, that makes a man forget his being, will fall off upon every accident and change. *Difficile est personam diu sustinere*[b]. But then when these principles come to be applied to practice, a strong vice and a malicious heart can draw a veil over them, that they shall not then appear to disorder the sensual resolution. A short madness, and a violent passion, or a fit of drunkenness, can make a man securely sin by incogitancy, even when the action is in the matter of an universal principle. No man can be brought to that pass, as to believe that God ought not to be honoured; but supposing there is a God, it is unavoidable, that this God must be honoured: but a transient and unnatural violence intervening in a particular case suspends the application of that principle, and makes the man not to consider his rule; and there he omits to worship and honour this God in many particulars to which the principle is applicable. But this discourse is coincident with that question, whether conscience may be totally lost? of which I have already given accounts[c]. That and this will give light to each other.

§ 4. 3) But further, there are also some principles which are indeed naturally known, that is, by principles of natural reason; but because they are not the immediate principles of our creation and proper being, they have the same truth, and the same seat, and the same certainty; but not the same prime evidence, and connaturality to the soul; and therefore these may be lost, or obscured to all purposes of usefulness, and their contradictories may be admitted into the rule of conscience. Of this nature, I reckon, that fornication, violent and crafty contracts with many arts of deception, and overreaching our brother, theft, incest in some kinds, drunkenness, and the like, are to be avoided. For concerning these, it is certain that some whole nations have so abused their conscience by evil manners, that the law in their mind hath been cancelled, and these things have passed for lawful. And to this day, that duels may be fought by private persons and authority, is a thing so practised by a whole sort of men, that it is believed, and the practice, and the belief of the lawfulness of it are interchangeably daughter and mother to each other. These are such of whom the apostle speaks[d], they are "given over to believe a lie," they are delivered "to a reprobate mind." And this often happens, and particularly in those cases wherein one sin is inferred by another naturally, or morally, or by withdrawing of the divine grace.

§ 5. 4) Wherever the superior or the ruling part of conscience is an imperfect rule; in the same cases the inferior is an evil judge, that is, acquits the criminal, or condemns the innocent, calling good evil, and evil good: which is to be understood when the persuasion of the erring conscience is permanent and hearty, not sudden, and by the rapid violence of a passion; for in this case the conscience con-

[b] [vid. Sen. de clem., lib. i. cap. 1. tom. i. p. 428.]

[c] In rule I. § 5, et seq. [p. 5. supra.]

[d] [Rom. i. 28.]

demns as soon as that is acted, to which before the action it was cousened and betrayed: but it proceeds only in abiding and lasting errors. And this is the cause why so many orders of persons continue in a course of sin with delight, and uninterrupted pleasure, thinking rebellion to be a just defence, sacrilege a lawful title, while other men that are otherwise and justly persuaded wonder at their peace, and hate their practices. Our blessed Lord foretold concerning the persecutors of the church, that they should 'think they did God good service.' But such men have an evil portion, they sing in the fire, and go dancing to their graves, and sleep on till they be awakened in hell. And on the other side, this is because of superstition, and scruples, and sometimes of despairing and unreasonable fears, when the conscience is abused by thinking that to be a sin, which is none.

RULE V.

ALL CONSCIENCES ARE TO WALK BY THE SAME RULE, AND THAT WHICH IS JUST TO ONE, IS SO TO ALL, IN THE LIKE CIRCUMSTANCES.

§ 1. If all men were governed by the same laws, and had the same interest, and the same degrees of understanding, they would perceive the truth of this conclusion. But men are infinitely differenced by their own acts and relations, by their understandings and proper economy, by their superinduced differences and orders, by interest and mistake, by ignorance and malice, by sects and deceptions. And this makes that two men may be damned for doing two contradictories: as a Jew may perish for not keeping of his sabbath, and a Christian for keeping it; an iconoclast for breaking images, and another for worshipping them; for eating, and for not eating; for receiving the holy communion, and for not receiving it; for coming to church, or staying at home.

§ 2. But this variety is not directly of God's making, but of man's. God commands us to walk by the same rule, and to this end, τὸ αὐτὸ φρονεῖν, 'to be of the same mind;' and this is ἀκρίβεια συνειδήσεως, 'the exactness of our conscience;' which precept were impossible to be observed, if there were not one rule, and this rule also very easy. For some men have but a small portion of reason and discretion, and they cannot help it; and yet the precept is incumbent upon them all alike; and therefore as the rule is one, so it is plain and easy, and written in every man's heart; and as every man's reason is the same thing, so is every man's conscience; and this comes to be altered, just as that.

§ 3. Neither is the unity of the rule prejudiced by the infinite difference of cases. For as a river springing from the mountains of the East is tempted by the levels of the ground and the uneasiness of its passage, to make some turns backward toward its head, even while it intends westward; so are the cases of conscience branched out into instances, sometimes of contrary proceedings, who are to be determined to cross effects, but still upon the same account. For in all things of the world the obligation is uniform, and it is of the same persuasion.

The case is this:

§ 4. Autolycus robbed the gardens of Trebonius, and asked him forgiveness and had it. But when Trebonius was chosen consul, and Autolycus robbed him again, and was taken by others, and as a thief brought before him, he asked forgiveness again; but Trebonius condemned him to the galleys: for he who being a private man was bound to forgive a repenting trespasser, being a magistrate was bound not to forgive him; and both these were upon the same account. A man may forgive an injury done to himself, because it is his own right, and he may alone meddle in it; but an injury done to the commonwealth, she only could forgive, not her minister. So,

§ 5. He that fasted upon a Saturday in Ionia or Smyrna was a schismatic; and so was he who did not fast at Milan or Rome upon the same day, both upon the same reason;

> Cum fueris Romæ, Romano vivito more:
> Cum fueris alibi, vivito sicut ibi[e].

because he was to conform to the custom of Smyrna, as well as to that of Milan, in the respective dioceses.

§ 6. To kill a man in some cases defiles a land; in others it cleanses it, and puts away blood from the people. And it was plain in the case of circumcision: S. Paul did it, and did it not; both because he ought, and because he ought not, and all upon the same account and law of charity. And therefore all enquiries, and all contentions and questions, should be relations to the rule, and be tried by nothing but a plain measure of justice and religion, and not stand or fall by relations to separate propositions and distinct regards. For that is one and easy; these are infinite, uncertain, and contradictory. Τοῦτ' ἔστι τὸ αἴτιον τοῖς ἀνθρώποις πάντων τῶν κακῶν, τὸ τὰς προλήψεις τὰς κοινὰς μὴ δύνασθαι ἐφαρμόζειν ταῖς ἐπὶ μέρους: 'it is a very great cause of mischief not to be able to deduce general propositions, and fit them to particular cases,' said Arrianus[f]. But because all men cannot, therefore there will be an eternal necessity of spiritual guides, whose employment, and the business of their life, must be to make themselves able *respondere de jure*, 'to answer in matters of law,' and they also must be truly informed in the matters of facts.

[e] [vid. gloss. ad Gratian. Decret., part. I. dist. xii. cap. 11. col. 49.]

[f] In Epictet., lib. iii. cap. 26. [p. 358.]

RULE VI.

IN CONSCIENCE THAT WHICH IS FIRST IS TRUEST, EASIEST, AND MOST USEFUL.

§ 1. THERE are some practices, which at the first sight, and by the very name and nature of the things themselves, seem as directly unreasonable and against a commandment, as any other thing of the foulest reproach; and yet object the sin to the owners, and they will tell so many fine stories, and struggle, and distinguish, and state the question in a new manner, and chop it into fragments, and disguise the whole affair, that they do not only content and believe themselves, but also lessen the confidence of the adversary, and make a plain rule an uneasy lesson. I instance in the question of images, the making of some of which, and the worshipping of any, does at the first sight as plainly dash against the second commandment, as adultery does against the sixth[g]. But if you examine the practice of the Roman church, and estimate them by the more wary determination of the article in Trent[h], and weigh it by the distinctions and laborious devices of its patrons, and believe their pretences and shews, it must needs be that you will abate something of the reproof; and yet all the while the worship of images goes forward: and if you lay the commandment over against the devices and distinctions, it will not be easy to tell what the commandment does mean; and yet because it was given to the meanest understandings, and was fitted for them, either the conscience is left without a clear rule, or that sense is to be followed which stands nearest the light, that which is next to the natural and proper sense of the words. For it is certain God put no disguises upon His own commandments, and the words are meant plainly and heartily; and the further you remove from their first sense, the more you have lost the purpose of your rule. In matters of conscience, that is the best sense which every wise man takes in before he hath sullied his understanding with the disguises of sophisters, and interessed persons; for then they speak without prejudice and art, that is, so as they should speak, who intend to guide wise men, and all men.

§ 2. But this is to be understood otherwise, when the first sense of the words hath in its letter a prejudice open and easy to be seen; such as is that of putting out the right eye, or cutting off the hand. The face is a vizor and a metaphor, and the heart of it only is the commandment; and that is to be understood by the measures of this rule, that is, the prime and most natural signification is the best, that

[g] [Qu. 'seventh,' which is however the sixth in the Roman division.]

[h] [Sess. xxv., tom. x. col. 168.]

which is of nearest correspondency to the metaphor and the design of the speaker, and the occasion and matter of the discourse.

§ 3. But in all things where the precept is given in the proper style of laws, and the veil is off, and the words are plain, he that takes the first sense is the likeliest to be well guided. If a war be commenced between a king and his people, he that is willing to read his duty, may see it in the words of Christ and of three apostles, and it is easy to know our duty; but when we are engaged against our prince, it is certain we are hugely put to it to make it lawful, and when our conscience must struggle for its rule, it is not so well as when it takes that which lies easy before us. Truth is easy, error is intricate and hard. If none but witty men could understand their duty, the ignorant and idiot could not be saved; but in the event of things it will be found, that this man's conscience was better guided while simplicity held the taper, than by all the false fires of art, and witty distinctions. *Qui ambulat simpliciter, ambulat confidenter*, saith Solomon[b]. It is safer to walk upon plain ground, than with tricks and devices to dance upon the ropes.

RULE VII.

CONSCIENCE BY ITS SEVERAL HABITUDES AND RELATIONS, OR TENDENCIES TOWARD ITS PROPER OBJECT, IS DIVIDED INTO SEVERAL KINDS.

§ 1. CONSCIENCE in respect of its information, or as it relates to its object, taken materially, and in the nature of the thing, is either true or false, right or wrong. True when it is rightly informed, and proceeds justly: false when it is deceived. Between these as participating of either extreme, stands the probable conscience; which if we consider as it relates to its object, is sometimes right, and sometimes wrong, and so may be reduced to either, according as it is in the event of things. For in two contradictories which are both probable, as if one be, both are, if one part be true, the other is false; and the conscience of the several men holding the opposite parts, must be so too, that is, right and wrong, deceived and not deceived respectively. The division then of conscience in respect of its object is tripartite.

§ 2. For in all questions, if notice can be certainly had, he that gets the notice, hath a true conscience: he that misses it, hath a false or erring conscience. But if the notices that can be had be uncertain, imperfectly revealed, or weakly transmitted, or understood by halves, or not well represented; because the understanding cannot be sure, the conscience can be but probable. But according as the understanding is fortunate, or the man wise and diligent, and honest

[b] [Prov. x. 9.]

enough to take the right side of the probability, so the conscience takes its place in the extreme, and is reduced to right or wrong accordingly.

§ 3. But to be right or wrong, is wholly extrinsical to the formal obligation of conscience, as it is a judge and a guide, and to the consequent duty of the man. For an erring conscience binds as much as the right conscience, directly and immediately, and collaterally more; that is, the man who hath an erring conscience is tied to more and other duties, than he that is in the right. The conscience binds because it is heartily persuaded, not because it is truly informed; not because it is right, but because it thinks so.

§ 4. It does indeed concern the duty of conscience, and its felicity, to see that it be rightly instructed, but as to the consequence of the action, it is all one: this must follow whatsoever goes before. And therefore although it concerns the man as much as his felicity and all his hopes comes to, to take care that his conscience be not abused in the matter of duty; yet a right and a wrong conscience are not made distinct guides and different judges. Since therefore we are to consider and treat of conscience, as it is the guide of our actions, and judge of our persons, we are to take it in other aspects, than by a direct face towards its object; the relation to which alone, cannot diversify its kind, so much as to become an universal rule to us in all cases and emergencies.

§ 5. Now because intellectual habits employed about the same general object, have no way to make them of different natures, but by their formal tendencies, and different manners of being affected with the same object; we are in order to the perfect division and assignation of the kinds of conscience, to consider the right conscience, either as it is sure, or as it is only confident, but not sure. For an erring conscience and the unerring are the same judge, and the same guide, as to the authority and persuasion, and as to the effect upon the person: but yet they differ infinitely in their rule; and the persons under their conduct differ as much in their state and condition. But our conscience is not a good guide unless we be truly informed and know it. For if we be truly informed and know it not, it is an uncertain and an imperfect guide. But if we be confident and yet deceived, the uncertainty and hesitation is taken off, but we are still very miserable. For we are like an erring traveller, who being out of the way, and thinking himself right, spurs his horse and runs full speed. He that comes behind is nearer to his journey's end.

§ 6. 1) That therefore is the first kind of conscience, the right sure conscience; and this alone is fit to be our guide, but this alone is not our judge.

§ 7. 2) Opposite to this is the confident or erring conscience; that is, such which indeed is mis-informed, but yet assents to its object with the same confidence as does the right and sure; but yet upon differing grounds, motives, and inducements: which because

they are always criminal, although the assent is peremptory and confident, yet the deception is voluntary and vicious in its cause; and therefore the present confidence cannot warrant the action, it only makes the sinner bold. So that these two differ in their manner of entering into the assent; the one entering by the door, the other by the breaches of the wall. Good will and bad, virtue and vice, duty and sin, keeping the several keys of the persuasion and consent.

§ 8. This erring conscience I therefore affirm to be always voluntary and vicious in its principle, because all God's laws are plain in all matter of necessary duty: and when all men are to be guided, learned and unlearned, the rule is plain and easy, because it is necessary it should be so. But therefore if there happen any invincible ignorance, or involuntary deception, it is there where the rule is not plain, and then the matter is but probable, and then the conscience is according. And this makes the third kind of conscience, in respect of the different manner of being affected with the object.

§ 9. 3) The probable conscience is made by that manner of assent to the object, which is indeed without fear, but not without imperfection. The thing itself is of that nature, that it cannot properly make faith or certainty of adherence; and the understanding considers it as it is represented without any prejudice or prepossession; and then the thing must be believed as it deserves and no more: but because it does not deserve a full assent, it hath but an imperfect one; but it is perfect enough in its kind, that is, it is as much as it ought to be, as much as the thing deserves. These are all the kinds of conscience that are perfect.

§ 10. 4) But sometimes the state and acts of conscience are imperfect; as the vision of an evil eye, or the motion of a broken arm, or the act of an imperfect or abused understanding: so the conscience in some cases is carried to its object but with an imperfect assent, and operates with a lame and deficient principle: and the causes of it are the vicious or abused affections, accidents or incidents to the conscience. Sometimes it happens that the arguments of both the sides in a question seem so indifferent, that the conscience being affrighted and abused by fear and weakness dares not determine, and consequently dares not do any thing; and if it be constrained to act, it is determined from without, not by itself, but by accidents and persuasion, by importunity or force, by interest or fear: and whatever the ingredient be, yet when it does act, it acts with fear, because it reflects upon itself, and considers it hath no warrant, and therefore whatever it does becomes a sin. This is the calamity of a doubting conscience. This doubting does not always proceed from the equality of the parts of the question, but sometimes wholly from want of knowing any thing of it: as if we were put to declare whether there were more men or women in the world? whether the number of the stars were even or odd? sometimes from inconsideration, sometimes from surprise, sometimes

from confusion and disease; but from what principle soever it be, there is always some fear in it. This conscience can neither be a good guide, nor a good judge: we cannot do any thing by its conduct, nor be judged by it; for all that can be done before or after it, is not by it, but by the suppletories of the perfect conscience.

§ 11. 5) A less degree of this evil, is that which by the masters of moral theology is called the scrupulous conscience, which is not a distinct kind of conscience as is usually supposed, but differs from the doubting conscience only in the degrees of the evil. The doubt is less, and the fear is not so violent as to make it unlawful to do any thing: something of the doubt is taken off, and the man can proceed to action without sin, but not without trouble; he is uneasy and timorous even when he is most innocent; and the causes of this are not only portions of the same weaknesses which cause the doubting conscience; but sometimes superstition, and melancholy, and pusillanimity, and mean opinions of God, are ingredients into this imperfect assent: and in such cases, although the scrupulous man may act without sin, and produce his part of the determination, yet his scruple is not innocent, but sometimes criminal, but always calamitous. This is like a mote in the eye, but a doubt is like a beam.

§ 12. This conscience may be a right guide, but dares not be a judge: it is like a guide in the dark that knows the way, but fears every bush; and because he may err, thinks he does. The effect of this imperfection is nothing but a heartless and uncomfortable proceeding in our duty, and what else the devil can make of it, by heightening the evil and abusing the man, who sits upon a sure foundation, but dares not trust it: he cannot rely upon that, which yet he cannot disbelieve.

§ 13. 6) There are some other affections of conscience, and accidental appendages; but because they do not vary the manner of its being affected with its proper object, they cannot diversify conscience into several kinds, as it is a guide and judge of human actions. But because they have no direct influence upon our souls, and relate not to duty, but are to be conducted by rules of the other kinds, I shall here only enumerate their kinds, and permit to preachers to discourse of their natures, and collateral obligations to duty, of their remedies and assistances, their advantages and disadvantages respectively. These also are five: 1) The tender conscience; 2) The hardened or obdurate; 3) The quiet; 4) The restless or disturbed; 5) and lastly, The perverse conscience. Concerning which, I shall at present say this only, that the two first are seated principally in the will, but have a mixture of conscience, as docibility hath of understanding. The two next are seated in the fancy, or the affections, and are not properly placed in the conscience, any more than love or desire; but yet from conscience they have their birth. And for the last, it is a heap of irregular principles, and irregular defects, and is the same in conscience, as deformity is in the body, or peevishness in the affections.

CHAP. II.

OF THE RIGHT OR SURE CONSCIENCE.

RULE I.

A RIGHT CONSCIENCE IS THAT WHICH GUIDES OUR ACTIONS BY RIGHT AND PROPORTIONED MEANS TO A RIGHT END.

THE end is, God's glory, or any honest purpose of justice or religion, charity or civil conversation. Whatsoever is good for us, or our neighbours, in any sense perfective of our being as God purposed it, all that is our end. The means ought to be such as are apt instruments to procure it. If a man intends to live a severe life, and to attend religion, his end is just and fair, and so far his conscience is right: but if his conscience suggest to him, that he to obtain his end should erect colleges of women; and in the midst of feasts and songs, and society, he should preach the melancholy lectures of the cross, it is not right; because the end is reached at by a contrary hand. But when it tells him, that to obtain continence he must fast and pray, watch diligently, and observe prudently, labour and read, and deny his appetite in its daily attempts upon him, then it is a right conscience. For a right conscience is nothing but right reason reduced to practice, and conducting moral actions. Now all that right reason can be defined by, is the propounding a good end, and good means to that end.

RULE II.

IN A RIGHT CONSCIENCE, THE PRACTICAL JUDGMENT, THAT IS, THE LAST DETERMINATION TO AN ACTION, OUGHT TO BE SURE AND EVIDENT.

§ 1. THIS is plain in all the great lines of duty, in actions determinable by the prime principles of natural reason, or divine revelation; but it is true also in all actions conducted by a right and perfect

conscience. This relies upon all that account on which it is forbidden to do actions of danger, or doubt, lest we perish in the danger; which are to be handled in their proper place. But for the present we are to observe, that in the question of actions, whose rule is not notorious and primely evident, there is or may be a double judgment.

§ 2. The first judges the thing probable by reason of the differing opinions of men wise and pious; but in this there is a fear or suspicion of the contrary, and therefore in the direct act nothing is certain. But secondly, there is also a reflex act of judgment; which upon consideration that it is certain that a probable action may lawfully be done, or else that that which is but probable in the nature of the thing (so far as we perceive it) may yet by the superadding of some circumstances, and prudential considerations, or by equity, or necessity, become more than probable in the particular; although (I say) the conscience be uncertain in the direct act, yet it may be certain, right, and determined in the reflex and second act of judgment; and if it be, it is innocent and safe, it is that which we call the right sure conscience.

§ 3. For in moral things there cannot ordinarily be a demonstrative, or mathematical certainty; and in morality we call that certain, that is, a thing to be followed and chosen, which oftentimes is but very highly probable: and many things do not attain that degree; and therefore, because it is very often impossible, it is certainly not necessary that the direct judgment should be sure and evident in all cases. Τὸ μὲν γὰρ ἐπίστητον ἀπόδεικτον· τέχνη δὲ καὶ φρόνησις τυγχάνουσιν οὖσαι περὶ τὰ ἐνδεχόμενα ἄλλως ἔχειν[1]· 'science is of those things which can be demonstrated; but prudence (and conscience) of things which are thus, or may be otherwise.' But if it be not supplied in the reflex and second act of judgment, so that the conscience be either certain in the object, or in the act, the whole progress is a danger, and the product is criminal; the conscience is doubtful, and the action is a sin.

§ 4. It is in this as is usually taught concerning the divine knowledge of things contingent; which although they are in their own nature fallible and contingent, yet are known certainly and infallibly by God, and according to the nature of the things, even beyond what they are in their natural, proper, and next causes: and there is a rare, and secret expression of Christ's incarnation used by S. Paul[j], "in whom dwelleth all the fulness of the godhead bodily," that is, the manner is contrary to the thing; the godhead that is wholly incorporeal dwells in Him corporally. After the like manner of signification is the present certainty I speak of. If it be not certain in the object, it must be certain in the faculty, that is, at least it must be a certain persuasion, though of an uncertain article: and we must be certain and fully persuaded that the thing may be done by us law-

[1] Aristot. Ethic. Nic., lib. vi. cap. 6. [tom. ii. p. 1140.]

[j] [Col. ii. 9.]

fully, though whether the thing itself be lawful, is at most but highly probable.

§ 5. So that in effect it comes but to this: the knowledge that is here required, is but the fulness of persuasion, which is and ought to be in a right conscience: οἶδα καὶ πέπεισμαι, "I know and am persuaded in the Lord Jesus;" so S. Paul[k]. Our knowledge here, which is but in part, must yet be a full confidence for the matters of duty. The conclusions then are these:—

1) There must be a certainty of adherence in the actions of a right conscience.
2) It must also for the matter of it too, at least be on the right side of the probability.

The conscience must be confident, and it must also have reason enough so to be: or at least, so much as can secure the confidence from illusion; although possibly the confidence may be greater than the evidence, and the conclusion bigger than the premises. Thus the good simple man that about the time of the Nicene council confuted the stubborn and subtle philosopher by a confident saying over his creed[l]: and the holy and innocent idiot[m], or plain easy people of the laity, that cannot prove christianity by any demonstrations, but by that of a holy life, and obedience unto death; they believe it so, that they put all their hopes upon it, and will most willingly prove it again by dying for it, if God shall call them. This is one of the excellencies of faith; and in all cases where the mercies of God have conducted the man into the right, it is not subject to illusion. But for that particular, I mean, that we be in the right, we are to take all that care which God hath put into our power; of which I have already said something, and shall give fuller accounts in its proper place.

RULE III.

THE PRACTICAL JUDGMENT OF A RIGHT CONSCIENCE IS ALWAYS AGREEABLE TO THE SPECULATIVE DETERMINATION OF THE UNDERSTANDING.

§ 1. THIS rule is intended against those whose understanding is right in the proposition, and yet declines in the application; it is true *in thesi*, but not *in hypothesi;* it is not true when it comes to be their case: and so it is in all that sin against their conscience, and use little arts to evade the clamour of the sin. They are right in the rule, and crooked in the measuring; whose folly is apparent in this, because they deny in particular what they affirm in the general; and it is true in all, but not in some. David was redargued wittily by Nathan upon this account; he laid the case in a remote

[k] [Rom. xiv. 14.]
[l] [Sozom., H. E. i. 18; Socrat., H. E. i. 8; Ruffin., H. E. i. 3.]
[m] [ἰδιώτης.]

scene: Titius, or Sempronius, a certain rich man, I know not who, somebody or other, robbed the poor man of his ewe lamb. Therefore said David, he shall die whoever he be. Yea, but you are the man: what then? shall he die still? This is a new arrest; it could not be denied, his own mouth had already given the sentence.

§ 2. And this is an usual, but a most effective art to make the conscience right in the particular, by propounding the case separate from its own circumstances, and then to remove it to its own place is no hard matter. It was an ingenious device of Erasistratus the physician, of which Appian tells[n]: "When young Antiochus almost died for love of Stratonica his father Seleucus his wife, the physician told the passionate and indulgent father, that his son was sick of a disease, which he had indeed discovered, but found it also to be incurable. Seleucus with sorrow asking what it was, Erasistratus answered, he loves my wife. But then the old king's hopes began to revive, and he turned wooer in the behalf of his son, begging of the physician who was his counsellor and his friend, for pity sake, for friendship and humanity to give his wife in exchange or redemption for the young king's life. Erasistratus replied, Sir, you ask a thing too unreasonable and great; and though you are his father, yourself would not do it, if it were your own case; and therefore why should I? When Seleucus swore by all his country gods that he would do it as willingly as he would live; Erasistratus drew the curtain of the device, and applied it to him, by telling, that the cure of his son depended upon his giving the queen Stratonica to him, which he did; and afterwards made it as lawful as he could, by a law postnate to that insolent example, and confirmed it by military suffrages."

§ 3. In all cases we are to consider the rule, not the relation; the law, not the person: for if it be one thing in the proposition, and another in the assumption, it must be false in one place or the other, and then the conscience is but an ill guide, and an ill judge.

§ 4. This rule is not to extend to the exception of particular cases; nor to take away privileges, pardons, equity. For that which is fast in the proposition, may become loose in the particular by many intervening causes, of which I am to give account in its due place. For the present, this is certain, that, whatsoever particular is of the same account with the general, not separate, or let loose by that hand which first bound it, is to be estimated as the general. But this rule is to go further also.

§ 5. For hitherto I have called the act of particular conscience directing to a single and circumstantiate action by the name of practical judgment: and the general dictate of the συντήρησις, or 'phylactery,' or upper conscience, teaching the kinds of good actions, by the name of speculative judgment. But the rule also is true, and so to be understood, when practical and speculative are taken in their first and proper sense. If in philosophy we discourse that the true

[n] De bellis Syriacis. [capp. lix.—lxi.]

God, being a spirit without shape or figure, cannot be represented by an image; although this be only a speculation, and demonstrable in natural philosophy, and no rule of conscience; yet when conscience is to make a judgment concerning the picturing of God the Father, it must not determine practically against that speculation. That an idol is nothing, is demonstrable in metaphysics; and therefore that we are to make nothing of it, is a practical truth: and although the first proposition be not directly placed in the upper region of conscience, but is one of the prime metaphysical propositions, not properly theological, according to those words of S. Paul[o], "Concerning things sacrificed to idols, we know ὅτι πάντες γνῶσιν ἔχομεν, that we all have knowledge, and we know that an idol is nothing in the world;" meaning, that this knowledge needs no revelation to attest it, we by our own reason and principles of demonstration know that; yet, the lower, or particular practical conscience must never determine against that extrinsical, and therefore (as to conscience) accidental measure.

§ 6. For whatsoever is true in one science, is true also in another, and when we have wisely speculated concerning the dimensions of bodies, their circumscriptions, the acts of sense, the certainty of their healthful perceptions, the commensuration of a place and a body; we must not esteem these to be unconcerning propositions, if ever we come to use them in divinity: and therefore we must not worship that which our senses tell us to be a thing below worship; nor believe that infinite which we see measured; nor esteem that greater than the heavens which I see and feel goes into my mouth. If philosophy gives a skin, divinity does not flea[p] it off: and truth cannot be contrary to truth; and God would not in nature teach us any thing to misguide us in the regions of grace.

§ 7. The caution for conducting this proposition is only this: that we be as sure of our speculation, as of any other rule which we ordinarily follow; and that we do not take vain philosophy for true speculations. He that guides his conscience by a principle of Zeno's philosophy, because he hath been bred in the stoical sect, and resolves to understand his religion to the sense of his master's theorems, does ill. The christian religion suffered much prejudice at first by the weak disputings of the Greeks; and they would not admit a religion against the academy, or the cynics, or the Athenian schools; and the christian schools drew some of their articles through the limbecks of Plato's philosophy, and to this day the relish remains upon some of them. And Baronius[q] complains of Origen, that, *In paganorum commentis enutritus, eaque propagare in animo habens, divinas se utique scripturas interpretari simulavit: ut hoc modo nefariam doctrinam suam sacrarum literarum monumentis maligne admiscens, paganicum et manichæicum errorem suum atque Arrianam vesaniam induceret.* 'He mingled the gentile philosophy with christian religion, and by

[o] [1 Cor. viii. 1.]
[p] [Sic edd.]
[q] Ad ann. DXXXVIII. sect. 34. [tom. vii. p. 28 D.]

analogy to that, expounded this,' and how many disciples he had, all the world knows. Nay not only from the doctrine, but from the practices and rites of the pagan religion, many Christians did derive their rites, and they in time gave authority and birth to some doctrines. *Vigilias anniversarias habes apud Suetonium. Lustralem aquam, aspersionem sepulchrorum, lumina in iisdem parare, sabbato lucernam accendere, cereos in populum distribuere*[r],—The staff, the ring, the mitre, and many other customs, some good, some only tolerable, the Christians took from the gentiles; and what effect it might have, and what influence it hath had in some doctrines, is too notorious to dissemble. Thomas Aquinas did a little change the scene, and blended Aristotle so with school divinity, that something of the purity was lost, while much of our religion was exacted and conducted by the rules of a mistaken philosophy. But if their speculations had been right, christianity would at first have entered without reproof, as being the most reasonable religion of the world, and most consonant to the wisest and most sublime speculations; and it would also have continued pure, if it had been still drawn from the fountains of our Saviour through the limbecks of the evangelists and apostles, without the mixture of the salt waters of that philosophy, which every physician and witty man now-a-days thinks he hath reason and observation enough easily to reprove. But men have resolved to verify their sect rather than the truth; but if of this particular we be careful, we must then also verify every speculation in all things where it can relate to practice, and is not altered by circumstances.

§ 8. As an appendage, and for the fuller explication of this rule, it is a worthy enquiry which is by some men made, concerning the use of our reason in our religion. For some men finding reason to be that guide which God hath given us, and concreated with us, know that religion which is superinduced, and comes after it, cannot prejudice that noblest part of this creation. But then, because some articles which are said to be of faith cannot be made to appear consonant to their reason, they stick to this, and let that go. Here is a just cause of complaint. But therefore others say, that reason is a good guide in things reasonable and human, but our reason is blind in things divine, and therefore is of little or no use in religion. Here we are to believe, not to dispute. There are on both sides fair pretences, which when we have examined, we may find what part of truth each side aims at, and join them both in practice. They that speak against reason speak thus:

§ 9. 1) There is to every state and to every part of man given a proportionable light to guide him in that way where he ought, and is appointed to walk. In the darknesses of this world, and in the actions of common life, the sun and moon in their proper seasons are to give us light: in the actions of human entercourse, and the notions tending to it, reason is our eye, and to it are notices proportioned,

[r] A.D. XLIV. n. 88. [tom. i. p. 340 E.]

drawn from nature and experience, even from all the principles with which our rational faculties usually do converse. But because a man is designed to the knowledge of God, and of things spiritual, there must spring a new light from heaven, and he must have new capacities, and new illuminations; that is, new eyes, and a new light: for here the eye of reason is too weak, and the natural man is not capable of the things of the spirit, because they are spiritually discerned. Faith is the eye, and the holy Spirit gives the light, and the word of God is the lantern, and the spiritual not the rational man can perceive the things of God. *Secreta Dei Deo meo, et filiis domus ejus*[s]: 'God and God's secret ones only know God's secrets.'

§ 10. 2) And therefore we find in holy scripture that to obey God, and to love Him, is the way to understand the mysteries of the kingdom. *Obedite et intelligetis*, 'If ye will obey, then shall ye understand:' and it was a rare saying of our blessed Saviour[t], and is of great use and confidence to all who enquire after the truth of God, in the midst of these sad divisions of christendom; "If any man will do His will, he shall know whether the doctrine be of God or no." It is not fineness of discourse, nor the sharpness of arguments, or the witty rencontres of disputing men that can penetrate into the mysteries of faith: the poor humble man that prays, and enquires simply, and listens attentively, and sucks in greedily, and obeys diligently, he is the man that shall know the mind of the Spirit. And therefore S. Paul[u] observes that the sermons of the cross were "foolishness to the Greeks;" and consequently, by way of upbraiding, he enquires, "Where is the wise man, where is the scribe, where is the disputer of the world? God hath made the wisdom of the world foolishness;" that is, God hath confounded reason, that faith may come in her place.

§ 11. 3) For there are some things in our religion so mysterious, that they are above all our reason; and well may we admire but cannot understand them: and therefore the Spirit of God is sent into the world to bring our understanding into the obedience of Christ[v]; we must obey and not enquire, and every proud thought must be submitted to Him who is the wisdom of the Father, who hath in the holy scriptures taught us all His Father's will.

§ 12. 4) And therefore as to this nothing can be added from the stock of nature, or principles of natural reason, so if it did need a supply, reason could ill do it. For the object of our faith must be certain and infallible; but no man's reason is so, and therefore to put new wine into broken bottles is no gain, or real advantage; and although right reason is not to be gainsaid, yet what is right reason is so uncertain, that in the midst of all disputes, every man pretends to it, but who hath it no man can tell, and therefore it cannot be a guide or measure of faith.

§ 13. 5) But above all, if we will pretend to reason in religion, we

[s] [See vol. viii. p. 386. note g.] [t] [John vii. 17.] [u] [1 Cor. i. 20.] [v] [2 Cor. x. 5.]

have but one great reason that we can be obliged to; and that is, to believe that whatsoever God hath said is true: so that our biggest reason in religion, is to submit our reason, that is, not to use our reason in particular enquiries, but to captivate it in the whole. And if there be any particular enquiries, let them seem what they will to my reason, it matters not; I am to follow God, not man; I may be deceived by myself, but never by God. It is therefore sufficient to me that it is in the scriptures. I will enquire no further. This therefore is a concluding argument; this is in scripture, therefore this is true: and this is against scripture, therefore it is absurd, and unreasonable.

§ 14. 6) After all, experience is our competent guide and warning to us: for we see when witty men use their reason against God that gave it, they in pursuit of reason go beyond religion; and when by reason they look for God, they miss Him; for He is not to be found but by faith, which when they dispute for, they find not; because she is built and persuaded by other mediums, than all schools of philosophy to this day have taught. And it was because of reason, that the religion of Jesus was so long opposed and hindered to possess the world. The philosophers would use their reason, and their reason would not admit this new religion: and therefore S. Paul being to remove every stone that hindered, bade them to beware of "vain philosophy;" which does not distinguish one kind of philosophy from another, but marks all philosophy. It is all vain, when the enquiries are into religious mysteries.

§ 15. 7) For is it not certain that some principles of reason are against some principles of faith and scripture? and it is but reason, that we should hear reason wherever we find it; and yet we are to have no entercourse with devils, though we were sure they would tell us of hidden treasures, or secrets of philosophy: and upon this account it is that all genethliacal predictions, and judicial astrology is decried by all religious persons; for though there be great pretensions of reason and art, yet they being against religion and revelation are intolerable. In these and the like cases reason must put on her muffler, and we must be wholly conducted by revelation.

§ 16. These are the pretences against the use of reason in questions of religion; concerning which the same account may be given as is by the Pyrrhonians and sceptics concerning their arguments against the certainty of sciences. These reasons are like physic, which if it uncertainly purges out the humour, it most certainly purges out itself: and these arguments either cannot prevail against the use of reason in religion, or if they do, they prevail against themselves: for either it is against religion to rely upon reason in religion, or it is not: if it be not, then reason may without danger to religion be safely relied upon in all such enquiries. But if it be against religion to rely upon reason, then certainly these reasons intended to prove it so are not to be relied upon; or else this is no question of religion.

For if this be a question of religion, why are so many reasons used in it? if it be no question of religion, then we may for all these reasons to the contrary, still use our reason in religion without prejudice to it. And if these reasons conclude right, then we may for these reasons' sake trust the proposition which says, that in religion reason is to be used; but if these reasons do not conclude right, then there is no danger, but that reason may still be used, these arguments to the contrary notwithstanding.

§ 17. But there is more in it than so. This foregoing discourse, or to the like purpose, is used by two sorts of persons. The one is by those, who in destitution of particular arguments, make their last recourse unto authority of men. For by how much more they press their own peremptory affirmative, by so much the less will they endure your reasons and arguments for the negative. But to these men I shall only say, let God be true, and every man a liar: and therefore if we trust men concerning God, we do not trust God concerning men; that is, if we speak of God as men please, we do not think of men as God hath taught us; viz., that they are weak, and that they are liars: and they who have by artifices, and little devices, acquired to themselves a reputation, take the less care for proving what they say, by how much the greater credulity that is, by which men have given themselves up to be possessed by others. And if I would have my saying to prevail whether it be right or wrong, I shall the less endure that any man should use his own reason against me. And this is one of the great evils for which the church of Rome hath given christendom a great cause to complain of her, who not only presses men to believe or to submit to what she says upon her own authority, without enduring them to examine whether she says true or no, but also requires as great an assent to what she cannot prove, as to what she can; requiring an adherence not less than the greatest, even to those things which she only pretends to be able to prove by prudential motives. Indeed in these cases if they can obtain of men to bring their faith, they are safe; but to come accompanied with their reason too, that is dangerous.

§ 18. The other sort of men, is of those who do the same thing under another cover; for they not having obtained the advantages of union or government, cannot pretend to a privileged authority, but resolving to obtrude their fancies upon the world, and yet not being able to prove what they say, pretend the Spirit of God to be the author of all their theorems. If they could prove Him to be their author, the thing were at an end, and all the world were bound to lay their necks under that pleasant yoke; but because they cannot prove any thing, therefore it is that they pretend the Spirit for every thing: and if the noise of so sacred a name will persuade you, you are within the snare; if it will not, you are within their hatred. But it is impossible that these men can prevail, because there are so many of them; it is as if there were twenty mountebanks in the piazza.

and all saying they had the only antidote in the world for poison; and that what was not theirs, was not at all, and yet all pretend severally. For all men cannot have the Spirit, unless all men speak the same thing: it were possible that even in union they might be deceivers; but in division they cannot be right; and therefore since all these men pretend the Spirit, and yet all speak several things and contradictory, they do well to desire of us not to use our reason, for if we do, they can never hope to prevail; if we do not, they may persuade, as they meet with fools that were not possessed before.

§ 19. Between these two there is a third that pretends to no authority on one hand, nor enthusiasm on the other; but offers to prove what he says, but desires not his arguments to be examined by reason, upon pretence that he urges scripture; that is in effect, he must interpret it; but your reason shall not be judge whether he says right or wrong: for if you judge his interpretation, he says you judge of his argument, and make reason umpire in questions of faith: and thus his sect is continued, and the systems of divinity rely upon a certain number of propositions from generation to generation, and the scholar shall be no wiser than his master for ever; because he is taught to examine the doctrines of his master by his master's arguments, and by no other. In effect, they all agree in this; they would rule all the world by religion, and they would have nobody wiser than themselves, but be fools and slaves, till their turn come to use others as bad as they have been used themselves: and therefore as the wolves offered peace to the sheep upon condition they would put away their dogs; so do these men allow us to be christians and disciples, if we will lay aside our reason, which is that guard of our souls, whereby alone we can be defended against their tyrannies and pretensions.

§ 20. That I may therefore speak close to the enquiry, I premise these considerations:

1) It is a weak and a trifling principle, which supposes faith and reason to be opposite: for faith is but one way, by which our reason is instructed, and acquires the proper notices of things. For our reason or understanding apprehends things three several ways. The first is called *νόησις*, or the first notices of things abstract, of principles and the *primo intelligibilia:* such as are, the whole is greater than the half of the whole; good is to be chosen; God is to be loved; nothing can be and not be at the same time; for these are objects of the simple understanding, congenite notices, concreated with the understanding. The second is called *διανόησις*, or 'discourse,' that is, such consequents and emanations which the understanding draws from her first principles. And the third is *πίστις*, that is, such things which the understanding assents to upon the report, testimony, and affirmation of others, viz., by arguments extrinsecal to the nature of the thing, and by collateral and indirect principles. For example, I naturally know that an idol or a false god is

nothing; this is *νόησις*, or the act of abstract and immaterial reason. From hence I infer, that an idol is not to be worshipped: this my reason knows by *διανόησις*, or illation and inference from the first principle. But therefore that all monuments of idolatry are to be destroyed was known to the Jews by *πίστις*, for it was not primely known, nor by the direct force of any thing that was primely known; but I know it from God by the testimony of Moses, into the notice of which I am brought by collateral arguments, by tradition, by miracle, by voices from heaven, and the like.

§ 21. 2) These three ways of knowing, are in all faculties sacred and profane: for faith and reason do not divide theology and philosophy, but in every science reason hath notices all these ways. For in natural philosophy there are prime principles, and there are conclusions drawn from thence, and propositions which we believe from the authority of Plato, or Socrates, or Aristotle; and so it is in theology, for every thing in scripture is not in the divided sense a matter of faith. That the sun is to rule the day, the moon and the stars to govern the night, I see and feel: that God is good, that He is one, are prime principles: that nothing but good is to be spoken of this good God, reason draws by a *διανόησις*, or discourse and illation: but that this good God will chastise His sons and servants, and that afflictions sent upon us are the issues of His goodness; or that this one God is also three in person, this is known by *πίστις*, or by belief; for it is not a prime truth, nor yet naturally inferred from a prime truth, but told by God, and therefore is an object of faith; reason knows it by testimony, and by indirect and collateral probations.

§ 22. 3) Reason knows all things as they are to be known, and enters into its notices by instruments fitted to the nature of things. Our stock of principles is more limited than our stock of words; and as there are more things than words, so there are more ways of knowing, than by principles direct and natural. Now as God teaches us many things by natural principles, many by experience, many at first, many more in time; some by the rules of one faculty, some by the rules of another: so there are some things which descend upon us immediately from heaven, and they communicate with no principle, with no matter, with no conclusion here below. Now as in the other things we must come to notices of things, by deriving them from their proper fountains; so must we do in these. He that should go to revelation to prove that nine and nine makes eighteen, would be a fool; and he would be no less, that goes about to prove a Trinity of Persons by natural reason. Every thing must be derived from its own fountain: but because these things which are derivatives from heaven, and communicate not at all with principles of philosophy, or geometry, yet have their proper fountains, and these fountains are too high for us to search into their bottom, we must plainly take all emanations from them, just as they descend. For in this case, all

that is to be done, is to enquire from whence they come. If they come from natural principles, I search for them by direct arguments: if they come from higher, I search for them by indirect arguments; that is, I enquire only for matter of fact, whether they come thence or no. But here my reason is set on work: first, I enquire into the testimony or ways of probation; if they be worth believing in what they say, my reason sucks it in. As if I be told that God said "there are Three and One in heaven," I ask, who said it? is He credible, why? If I find that all things satisfy my reason, I believe him saying that God said so; and then πίστις or faith enters. I believe the thing also, not because I can prove it directly, for I cannot, but I can prove it indirectly; testimony and authority is my argument, and that is sufficient. The apostles entered into much of their faith by their senses, they saw many articles of their creed; but as they which saw and believed were blessed, so they which see not, but are argued and disputed into their faith, and believe what they find reasonable to believe, shall have the reward of their faith, while they wisely follow their reason.

§ 23. 4) Now in all this, here is no difference in my reason, save that as it does not prove a geometrical proposition by moral philosophy, so neither does it prove a revelation by a natural argument, but into one and the other it enters by principles proper to the inquisition; and faith and reason are not opposed at all. Faith and natural reason are several things, and arithmetical and moral reasons are as differing, but it is reason that carries me to objects of faith, and faith is my reason so disposed, so used, so instructed.

The result of these propositions is this one:

§ 24. That into the greatest mysteriousness of our religion, and the deepest articles of faith we enter by our reason. Not that we can prove every one of them by natural reason, for to say that, were as vain, as to say we ought to prove them by arithmetic or rules of music; but whosoever believes wisely and not by chance, enters into his faith by the hand of reason; that is, he hath causes and reasons why he believes. He indeed that hath reasons insufficient and incompetent, believes indeed not wisely, but for some reason or other he does it; but he that hath none, does not believe at all: for the understanding is a rational faculty, and therefore every act of the understanding is an act of the rational faculty, and that is an act of reason; as vision is of the visive faculty: and faith, which is an act or habit of the understanding consenting to certain propositions for the authority of the speaker, is also as much an act of reason, as to discourse in a proposition of Aristotle. For faith assenting to a proposition for a reason drawn *a testimonio*, is as very a discourse, as to assent to a proposition for a reason drawn from the nature of things. It is not less an act of reason, because it uses another topic. And all this is plain and certain, when we discourse of faith formally in its

proper and natural capacity, that is, as it is a reception of propositions *a testimonio.*

§ 25. Indeed if we consider faith as it is a habit infused by God, and by God's holy Spirit, so there is something more in it than thus: for so, faith is a vital principle, a magazine of secret truths, which we could never have found out by natural reason, that is, by all that reason which is born with us, and by all that reason that grows with us, and by all secular experiences and conversations with the world; but of such things which God only teaches, by ways supernatural and divine.

§ 26. Now here is the close and secret of the question, whether or no faith in this sense, and materially taken, be contrary to our worldly or natural reason, or whether is any or all the propositions of faith to be exacted, interpreted, and understood according to this reason materially taken? that is, are not our reasons which we rightly follow in natural philosophy, in metaphysics, in other arts and sciences, sometimes contrary to faith? and if they be, whether shall be followed? or can it in any sense be an article of faith, if it be contrary to right reason? I answer to this, by several propositions.

§ 27. I. Right reason (meaning our right reason, or human reason) is not the affirmative or positive measure of things divine, or of articles and mysteries of faith; and the reasons are plain: because,

1) Many of them depend upon the free will of God, for which, till He gives us reasons, we are to be still and silent, admiring the secret, and adoring the wisdom, and expecting till the curtain be drawn, or till Elias come and tell us all things. But he that will enquire and pry into the reason of the mystery, and because he cannot perceive it, will disbelieve the thing, or undervalue it, and say it is not at all, because he does not understand the reason of it, and why it should be so, may as well say that his prince does not raise an army in time of peace, because he does not know a reason why he should; or that God never did suffer a brave prince to die ignobly, because it was a thousand pities he should. There is a *ragione di stato,* and a *ragione di regno,* and a *ragione di cielo,* after which none but fools will enquire, and none but the humble shall ever find.

§ 28. Who can tell why the devil, who is a wise and intelligent creature, should so spitefully, and for no end but for mischief, tempt so many souls to ruin, when he knows it can do him no good, no pleasure, but fantastic? or who can tell why he should be delighted in a pleasure that can be nothing but fantastic, when he knows things by intuition, not by fantasm, and hath no low conceit of things as we have? or why he should do so many things against God, whom he knows he cannot hurt, and against souls, whose ruin cannot add one moment of pleasure to him? and if it makes any change it is infinitely to the worse. That these things are so, our religion tells us; but our reason cannot reach it why it is so, or how. Whose reason can give an account why, or understand it to be reasonable, that God

should permit evil for good ends, when He hates that evil, and can produce that good without that evil? and yet that He does so we are taught by our religion. Whose reason can make it intelligible, that God who delights not in the death of a sinner, but He and His Christ, and all their angels, rejoice infinitely in the salvation of a sinner, yet that He should not cause that every sinner should be saved; working in him a mighty and a prevailing grace, without which grace he shall not in the event of things be saved, and yet this grace is wholly His own production.

—— omnipotens hominem cum gratia salvat,
Ipsa suum consummat opus, cui tempus agendi
Semper adest quæ gesta velit; non moribus illi
Fit mora, non causis anceps suspenditur ullis[t].

Why does not He work in us all to will and to do, not only that we can will, but that we shall will? for if the actual willing be any thing, it is His creation; we can create nothing, we cannot will unless He effect it in us, and why He does not do that which so well pleases Him, and for the want of the doing of which He is so displeased, and yet He alone is to do it some way or other; human reason cannot give a wise or a probable account.

Nam prius immites populos urbesque rebelles,
Vincente obstantes animos pietate, subegit;
Non hoc consilio tantum hortatuque benigno
Suadens atque docens, quasi normam legis haberet
Gratia, sed mutans intus mentem atque reformans,
Vasque novum ex fracto fingens, virtute creandi.
Non istud monitus legis, non verba prophetæ,
Non præstata sibi præstat natura, sed unus
Quod fecit reficit. Percurrat apostolus orbem,
Prædicet, hortetur, plantet, riget, increpet, instet,
Quaque viam verbo reseratam invenerit, intret;
Ut tamen his studiis auditor promoveatur,
Non doctor neque discipulus, sed gratia sola
Efficit[u].——

Where is the wise discourser, that can tell how it can be, that God foreknows certainly what I shall do ten years hence, and yet it is free to me at that time, to will or not to will, to do or not to do that thing? Where is the discerning searcher of secrets, that can give the reason why God should determine for so many ages before, that Judas should betray Christ, and yet that God should kill him eternally for effecting the divine purpose, and fore-determined counsel? Well may we wonder that God should wash a soul with water, and with bread and wine nourish us up to immortality, and make real impresses upon our spirits by the blood of the vine, and the kidneys of wheat; but who can tell why He should choose such mean instruments to effect such glorious promises? since even the greatest things of this world had not been disproportionable instruments to such effects, nor yet too great for our understanding; and that we are fain to stoop to

[t] Prosper. de ingrat., c. xv. [p. 107 A.] [u] Prosper. [ibid., c. xiv. p. 106 F.]

make these mean elements be even with our faith, and with our understanding. Who can divine, and give us the cause, or understand the reason, why God should give us so great rewards for such nothings, and yet damn men for such insignificant mischief, for thoughts, for words, for secret wishes, that effect no evil abroad, but only might have done, or it may be were resolved to be unactive? For if the goodness of God be so overflowing in some cases, we in our reason should not expect, that in such a great goodness, there should be so great an aptness to destroy men greatly for little things: and if all mankind should join in search, it could never be told, why God should adjudge the heathen or the Israelites to an eternal hell, of which He never gave them warning, nor created fears great enough to produce caution equal to their danger; and who can give a reason why for temporal and transient actions of sin, the world is to expect never-ceasing torments in hell to eternal ages? That these things are thus, we are taught in scripture, but here our reason is not instructed to tell why or how; and therefore our reason is not the positive measure of mysteries, and we must believe what we cannot understand.

§ 29. Thus are they to be blamed, who make intricacies and circles in mysterious articles, because they cannot wade through them; it is not to be understood why God should send His holy Son from His bosom to redeem us, to pay our price; nor to be told why God should exact a price of Himself for His own creature; nor to be made intelligible to us, why He who loved us so well, as to send His Son to save us, should at the same time so hate us, as to resolve to damn us, unless His Son should come and save us. But the Socinians who conclude that this was not thus, because they know not how it can be thus, are highly to be reproved for their excess in the enquiries of reason, not where she is not a competent judge, but where she is not competently instructed; and that is the second reason.

§ 30. 2) The reason of man is a right judge always when she is truly informed; but in many things she knows nothing but the face of the article: the mysteries of faith are oftentimes like cherubim's heads placed over the propitiatory, where you may see a clear and a bright face and golden wings, but there is no body to be handled; there is light and splendour upon the brow, but you may not grasp it; and though you see the revelation clear, and the article plain, yet the reason of it we cannot see at all; that is, the whole knowledge which we can have here is dark and obscure; "We see as in a glass darkly," saith S. Paul[x], that is, we can see what, but not why, and what we do see is the least part of that which does not appear; but in these cases our understanding is to submit, and wholly to be obedient, but not to enquire further. *Delicata est illa obedientia quæ causas quærit*[y]. If the understanding will not consent to a revelation, until it see a reason of the proposition, it does not obey at all, for it will not submit, till it cannot choose. In these cases, reason and re-

[x] [1 Cor. xiii. 12.] [y] [Bernard. de præcept. et dispens., cap. xiii. col. 930 D.]

ligion are like Leah and Rachel: reason is fruitful indeed, and brings forth the first-born, but she is blear-eyed, and oftentimes knows not the secrets of her Lord; but Rachel produces two children, Faith and Piety, and Obedience is midwife to them both, and Modesty is the nurse.

§ 31. From hence it follows that we cannot safely conclude thus, This is agreeable to right reason, therefore this is so in scripture, or in the counsel of God; not that one reason can be against another, when all things are equal, but that the state of things, and of discourses is imperfect; and though it be right reason in such a constitution of affairs, yet it is not so in others; that a man may repel force by force is right reason, and a natural right, but yet it follows not that it can be lawful for a private Christian to do it, or that Christ hath not forbidden us to strike him that strikes us. The reason of the difference is this. In nature it is just that it be so, because we are permitted only to nature's provisions, and she hath made us equal, and the condition of all men indifferent; and therefore we have the same power over another that he hath over us; besides, we will do it naturally, and till a law forbad it, it could not be amiss, and there was no reason in nature to restrain it, but much to warrant it. But since the law of God hath forbidden it, He hath made other provisions for our indemnity, and where He permits us to be defenceless (as in cases of martyrdom and the like) He hath promised a reward to make infinite amends: so that, 'we may repel force by force,' says nature, 'we may not,' says Christ, and yet they are not two contradictory propositions. For nature says we may, when otherwise we have no security, and no reward for suffering; but Christ hath given both the defence of laws and authority, and the reward of heaven, and therefore in this case it is reasonable. And thus we cannot conclude, This man is a wicked man because he is afflicted, or his cause is evil because it does not thrive; although it be right reason, that good men ought to be happy and prosperous; because although reason says right in it, yet no reason can wisely conclude, that therefore so it should be in this world, when faith and reason too tell us it may be better hereafter. The result is this; every thing that is above our understanding is not therefore to be suspected or disbelieved, neither is any thing to be admitted that is against scripture, though it be agreeable to right reason, until all information is brought in by which the sentence is to be made.

§ 32. For as it happens in dreams and madness, where the argument is good, and the discourse reasonable oftentimes; but because it is inferred from weak phantasms, and trifling and imperfect notices of things, and obscure apprehensions, therefore it is not only desultorious and light, but insignificant, and far from ministering to knowledge: so it is in our reason as to matters of religion, it argues well and wisely, but because it is from trifling, or false, or uncertain principles, and unsure information, it oftentimes is but a witty no-

thing: reason is an excellent limbeck, and will extract rare quintessences, but if you put in nothing but mushrooms, or egg-shells, or the juice of coloquintida, or the filthy gingran[y], you must expect productions accordingly, useless or unpleasant, dangerous or damnable.

§ 33. II. Although right reason is not the positive and affirmative measure of any article, yet it is the negative measure of every one; so that, whatsoever is contradictory to right reason, is at no hand to be admitted as a mystery of faith, and this is certain upon an infinite account.

§ 34. 1) Because nothing can be true and false at the same time, otherwise it would follow that there could be two truths contrary to each other: for if the affirmative be true, and the negative true too, then the affirmative is true and is not true, which were a perfect contradiction, and we were bound to believe a lie, and hate a truth; and yet at the same time obey what we hate, and consent to what we disbelieve. No man can serve two such masters.

§ 35. 2) Out of truth nothing can follow but truth; whatsoever therefore is truth, this is therefore safe to be followed, because no error can be the product of it. It follows therefore, that by believing one truth, no man can be tied to disbelieve another. Whatsoever therefore is contrary to right reason, or to a certain truth in any faculty, cannot be a truth, for one truth is not contrary to another: if therefore any proposition be said to be the doctrine of scripture, and confessed to be against right reason, it is certainly not the doctrine of scripture, because it cannot be true, and yet be against what is true.

§ 36. 3) All truths are emanations and derivatives from God, and therefore whatsoever is contrary to any truth in any faculty whatsoever, is against the truth of God, and God cannot be contrary to Himself; for as God is one, so truth is one; for truth is God's eldest daughter, and so like Himself, that God may as well be multiplied, as abstracted truth.

§ 37. 4) And for this reason God does not only prove our religion, and Jesus Christ prove His mission by miracles, by holiness, by verification of prophecies, and prediction of future contingencies, and voices from heaven, and apparition of angels, and resurrection from the grave, and fulfilling all that was said of Him by the prophets, that our faith might enter into us by discourse, and dwell by love, and be nursed and supported by reason: but also God is pleased to verify His own proceedings, and His own propositions, by discourses merely like ours, when we speak according to right reason. Thus God convinces the peevish people that spake evil of Him, by arguing concerning the justice of His ways, and exposes His proceedings to be argued by the same measures and proportions by which He judges us, and we judge one another[z].

§ 38. 5) For indeed how can it be possibly otherwise? how can

[y] [Gingroen, s. f. (gin-croen) The toad flax, a kind of stinking mushroom. —Owen's Welsh Dictionary.]

[z] [Isa. i. 18, and v. 3; Ezek. xviii. 25.]

we confess God to be just if we understand it not? but how can we understand Him so, but by the measures of justice? and how shall we know that, if there be two justices, one that we know, and one that we know not, one contrary to another? If they be contrary, they are not justice; for justice can be no more opposed by justice, than truth to truth: if they be not contrary, then that which we understand to be just in us is just in God, and that which is just once is just for ever in the same case and circumstances: and indeed how is it that we are in all things of excellency and virtue to be like God, and to be meek like Christ, to be humble as He is humble, and to be pure like God, to be just after His example, to be "merciful as our heavenly Father is merciful?" If there is but one mercy, and one justice, and one meekness, then the measure of these and the reason is eternally the same. If there be two, either they are not essential to God, or else not imitable by us: and then how can we 'glorify God,' and 'speak honour of His name,' and 'exalt His justice,' and 'magnify His truth,' and 'sincerity,' and 'simplicity,' if truth, and simplicity, and justice, and mercy in Him is not that thing which we understand, and which we are to imitate?—To give an example. I have promised to give my friend a hundred pounds on the calends of March. The day comes, and he expects the donative; but I send him answer, that I did promise so by an open promise and signification, and I had an inclination to do so; but I have also a secret will to keep my money, and instead of that to give him a hundred blows upon his back: if he reproaches me for an unjust and a false person, I have nothing to answer, for I believe he would hardly take it for good payment to be answered with a distinction, and told, I have two wills, an open and a secret will, and they are contrary to each other: he would tell me that I were a false person for having two wills, and those two wills were indeed but one, nothing but a will to deceive and abuse him. Now this is reason, right reason, the reason of all the world, the measure of all mankind, the measure that God hath given us to understand, and to walk, to live, and to practise by. And we cannot understand what is meant by hypocrisy and dissembling, if to speak one thing and not to mean it be not that hypocrisy. Now put case God should call us to give Him the glory of His justice and sincerity, of the truth of His promises and the equity of His ways, and should tell us that we perish by our own fault, and if we will die, it is because we will, not because we must; because we choose it, not because He forces us; for He calls us and offers us life and salvation, and gives us powers, and time, and advantages, and desires it really, and endeavours it passionately, and effects it materially, so far as it concerns His portion; this is a certain evidence of His truth and justice: but if we can reply and say, It is true, O God, that Thou dost call us, but dost never intend we should come, that Thy open will is loving and plausible, but Thy secret will is cruel, decretory, and destructive to us whom Thou hast

reprobated; that Thy open will is ineffective, but Thy secret will only is operative, and productive of a material event, and therefore although we are taught to say, Thou art just, and true in all Thy sayings; yet certainly it is not that justice which Thou hast commanded us to imitate and practise, it is not that sincerity which we can safely use to one another, and therefore either we men are not just when we think we are, or else Thou art not just who doest and speakest contrary things, or else there are two contrary things which may be called justice.

§ 39. For let it be considered as to the present instance; God cannot have two wills, it is against the unity of God, and the simplicity of God. If there were two divine wills, there were two Gods; and if it be one will, then it cannot at the same time will contrary things; and if it does not, then when God says one thing, and yet He wills it not, it is because He only wills to say it, and not to do it; and if to say this thing of the good, the just, the true, the righteous judge of all the world be not blasphemy, I know not what is.

§ 40. The purpose of this instance is to exemplify, that in all virtues and excellencies there is a perfect unity: and because all is originally and essentially in God, and from Him derived to us, and all our good, our mercy, our truth, our justice, is but an imitation of His, it follows demonstratively, that what is unjust in men, and what is falsehood in our entercourses, is therefore false or unjust because it is contrary to the eternal pattern: and therefore whatsoever our reason does rightly call unjust, or hypocrisy, or falsehood, must needs be infinitely far from God; and those propositions which asperse God with any thing of this nature, are so far from being the word of God, or an article of faith, or a mystery of religion, that it is blasphemous and false, hateful to God and good men.

§ 41. In these things there is the greater certainty, because there is the less variety and no mystery; these things which in God we adore as attributes, being the lines of our duty, the limits and scores we are to walk by: therefore as our reason is here best instructed, so it cannot easily be deceived, and we can better tell what is right reason in these things than in questions not so immediately relative to duty and morality.

§ 42. But yet this rule also holds in every thing where reason is, or can be right: but with some little difference of expression, but generally thus:

§ 43. 1) Whatsoever right reason says cannot be done, we cannot pretend from scripture that it belongs to God's almightiness to do it: it is no part of the divine omnipotency to do things contradictory; for that is not to be done which is not, and it is no part of power to do that which is not an act or effect of power. Now in every contradictory, one part is a nonentity, a nothing, and therefore by power cannot be produced; and to suppose it producible or possible to be effected by an almighty power, is to suppose an almighty

power to be no power, or to do that which is not the effect of power.

§ 44. But I need say no more of this, for all men grant it, and all sects and varieties of Christians endeavour to clear their articles from inferring contradictions, as implicitly confessing, that it cannot be true to which any thing that is true is contradictory. Only some men are forced by their interest and opinions to say, that although to human reason some of their articles seem to have in them contradictions, yet it is the defect of their reason, and their faith is the more excellent, by how much reason is more at a loss. So do the Lutherans about the ubiquity of Christ's body, and the papists about transubstantiation, and the Calvinists about absolute reprobation, as being resolved upon the propositions, though heaven and earth confute them. For if men can be safe from argument with such a little artifice as this, then no error can be confuted, then there is nothing so absurd but may be maintained, and a man's reason is useless in enquiry and in probation; and (which is to me very considerable) no man can in any article be a heretic or sin against his conscience. For to speak against the words of scripture is not directly against our conscience, there are many ways to escape, by interpretation or authority; but to profess an article against our reason, is immediately against our conscience; for reason and conscience dwell under the same roof, and eat the same portions of meat, and drink the same chalice. The authority of scripture is superinduced, but right reason is the eternal word of God; "the kingdom of God" that is "within us[a];" and the best portions of scripture, even the law of Jesus Christ, which in moral things is the eternal law of nature, is written in our hearts, is reason, and that wisdom to which we cannot choose but assent; and therefore in whatsoever he goes against his reason he must needs go against his conscience, because he goes against that by which he supposes God did intend to govern him, reason not having been placed in us as a snare and a temptation, but as a light and a star to lead us by day and night. It is no wonder that men maintain absurd propositions, who will not hear great reason against them, but are willing to take excuses and pretences for the justification of them.

§ 45. 2) This is not to be understood as if God could do nothing but what we can with our reason comprehend or know how. For God can do every thing, but we cannot understand every thing: and therefore infinite things there are, or may be, which our reason cannot master; they are above our understanding, but are to be entertained by faith. It is not to be said or believed that God can do what right reason says cannot be: but it must be said and believed that God can do those things to which our understanding cannot, by all its powers ministered here below, attain. For since God is omnipotent, unless we were omniscient we could not understand all that

[a] [Luke xvii. 21.]

He can do; but although we know but little, yet we know some propositions which are truths taught us by God, and they are the measures whereby we are to speak and believe concerning the works of God.

§ 46. For it is to be considered, whatsoever is above our understanding is not against it: *supra* and *secundum* may consist together in several degrees. Thus we understand the divine power of working miracles, and we believe and know God hath done many: and although we know not how our dead bones shall live again, yet our reason tells us that it is within the power of God to effect it; and therefore our faith need not be troubled to believe it. But if a thing be against our understanding, it is against the work of God, and against a truth of God, and therefore is no part, and it can be no effect of the divine power: many things in nature are above our understanding, and no wonder if many things in grace are so too; "The peace of God passeth all understanding[b]," yet we feel something of it, and hope for more, and long for all, and believe what we yet cannot perceive. But I consider further:

§ 47. There are some things in reason which are certainly true, and some things which reason does infallibly condemn: our blessed Saviour's argument was certain, "A spirit hath not flesh and bones as ye perceive Me to have[c];" therefore "I am no spirit:" and S. John's argument was certain, "That which we have seen with our eyes, and heard with our ears, and which our hands have handled of the Word of life, that we preach[d]," that is, we are to believe what we see and hear and feel; and as this is true in the whole religion, so it is true in every article of it. If right sense and right reason tell us clearly, that is, tell us so that there is no absurdness, or contradiction or unreasonableness in it, we are to believe it, as we are to believe God; and if an angel from heaven should tell us any thing against these propositions, I do not doubt but we would reject him. Now if we enquire what things are certainly true or false; I must answer that in the first place I reckon prime principles and contradictions; in the next place, those things which are manifestly absurd: but if it be asked further, which things are manifestly absurd, and what it is to be manifestly absurd? there can no more answer be given to this, than to him who asks, how shall I know whether I am in light or in darkness? If therefore it be possible for men to dote in such things as these, their reason is useless in its greatest force and highest powers. It must therefore be certain, that if the parts of a contradiction, or a right reason, be put in bar against a proposition, it must not pretend to be an article of faith; and to pretend God's omnipotency against it, is to pretend His power against His truth. God can deliver us from our enemies, when to human reason it seems impossible, that is, when we are destitute of all natural help, and proper causes and probabilities of escape, by what

[b] [Phil. iv. 7.] [c] [Luke xxiv. 39.] [d] [1 John i. 1.]

we see or feel; that is, when it is impossible to men, it may be possible with God; but then the faith which believes that God can do it, is also very right reason: and if we hope He will do it, there is more than faith in it, but there is nothing in it beyond reason, except love also be there.

§ 48. The result is this;—

1) Our reason is below many of the works, and below all the power of God, and therefore cannot perceive all that God hath, or can, or will do, no more than an owl can stare upon the body of the sun, or tell us what strange things are in that immense globe of fire. But when any thing that is possible is revealed, reason can consent; but if reason cannot consent to it when it is told of it, then it is nothing, it hath no being, it hath no possibility: whatsoever is in our understanding is in being; for that which is not, is not intelligible, and to what reason cannot consent, in that no being can be supposed.

§ 49. 2) Not only what is impossible to reason is impossible in faith, but if any thing be really absurd or unreasonable, that is, against some truth in which human reason is really instructed, that is a sufficient presumption against a proposition, that it cannot be an article of faith. For even this very thing (I mean) an avoiding of an absurdity, or an inconvenience, is the only measure and rule of interpreting very many places of scripture. For why does not every Christian pull out his right eye, or cut off his hand, and leg, that he might enter into heaven halt and blind? why do not we believe that Christ is a door, and a vine, and a stone, since these things are dogmatically affirmed in scripture? but that we expound scriptures as we confute them who deny principles, by declaring that such senses or opinions introduce evil and foolish consequents, against some other truth in some faculty or other in which human reason is rightly taught. Now the measure and the limit of this is that very thing which is the reason of this, and all the preceding discourse,—One truth cannot be against another; if therefore your opinion or interpretation be against a truth, it is false, and no part of faith. A commandment cannot be against a revelation, a privilege cannot be against a promise, a threatening cannot mean against an article, a right cannot be against a duty; for all reason, and all right, and all truth, and all faith, and all commandments, are from God, and therefore partake of His unity and His simplicity.

§ 50. 3) This is to be enlarged with this advice, that in all questions of the sense of scripture, the ordinary way is to be presumed before the extraordinary, and if the plain way be possible, and reasonable, and useful, and the extraordinary of no other use but to make wonder and strangeness to the belief of the understanding, we are to presume for that, and to let this alone, because that hath the advantage of reason, it being more reasonable that God will keep the methods of His own creation, and bring us to Him by ways with which we are acquainted, and by which we can better understand our

way to Him, than that He will do a miracle to no purpose, and without necessity; God never doing any thing for the ostentation, but very many things for the manifestation of His power, for His wisdom and His power declare each other, and in every thing where He shews His mightiness, He also shews His wisdom, that is, He never does any thing without great reason. And therefore the Romans' doctrine of the holy sacrament suffers an intolerable prejudice, because it supposes daily heaps and conjugations of miracles, wholly to no purpose; since the real Body can be taken by them to whom it does no good; and all the good can be conveyed to us, though the body be only taken in a spiritual sense; all the good being conveyed by moral instruments, and to spiritual effect; and therefore the ordinary way, and the sense which the church of England gives, is infinitely to be preferred, because it supposes no violences and effects of miracles, no cramps and convulsions to reason: and a man may receive the holy sacrament, and discourse of all its effects and mysteriousnesses, though he do not talk like a madman, or a man going out of his wits, and a stranger to all the reason and philosophy of the world; and therefore it is remarkable, that there is in our faith no article, but what is possible to be effected by the ordinary power of God. That a virgin should conceive is so possible to God's power, that it is possible in nature, say the Arabians[e]; but however, He that made the virgin out of nothing, can make her produce something out of something; and for the resurrection of the dead, it is certainly less than the creation, and it is like that which we see every year, in the resurrection of plants and dead corn, and is in many degrees imitable by art, which can out of ashes raise a flower. And for all the other articles of our creed, they are so far from being miraculous and strange to reason, that the greatest wonder is, that our belief is so simple and facile, and that we shall receive so great and prodigious events hereafter, by instruments so fitted to the weakest capacities of men here below. Indeed some men have so scorned the simplicity of the gospel, that because they thought it honourable to have every thing strange and unintelligible, they have put in devices and dreams of miracles of their own, and have so explicated them, that as without many miracles they could not be verified, so without one they can hardly be understood. That which is easy to reason, and most intelligible, is more like the plainness, and truth, and innocence, and wisdom of the gospel, than that which is bones to philosophy, and iron to the teeth of babes.

§ 51. But this is to be practised with caution; for every man's reason is not right, and every man's reason is not to be trusted: and therefore,

4) As absurd foolish things are not to be obtruded, under the pretence of being mysteries, so neither must mistaken philosophy and false notices of things be pretended for reason. There are mistakes

[e] [It is said of the Egyptians by Cælius Rhodiginus: lectt. antiq., lib. ix. cap. 19.]

on all hands; some Christians explicate their mysteries, and mince them into so many minutes and niceties, and speak of them more than they are taught, more than is said in the scriptures or the first creeds, that the article which in its own simplicity was indeed mysterious, and not to be comprehended by our dark and less instructed reason, but yet was not impossible to be believed, is made impossible to be understood by the appendages, and exposed to scorn and violences by heretics and misbelievers; so is the incarnation of the Son of God, the mysterious Trinity, the presence of Christ in the holy sacrament. For so long as the mysteries are signified in simple, wise, and general terms, reason can espy no particular impossibilities in them: but when men will explicate what they cannot understand, and intricate what they pretend to explicate, and superinduce new clauses to the article, and by entering within the cloud, do less see the light, they find reason amazed, where she could easily have submitted, and clouds brought upon the main article, and many times the body itself is supposed to be a phantasm, because of its tinsel and fairy dressing; and on the other side, he that would examine an article of faith by a proposition in philosophy, must be careful that his philosophy be as right as he pretends. For as it will be hard to expect, that right reason should submit to a false article, upon pretence it is revealed, so it will be as hard to distrust an article, because it is against a false proposition, which I was taught in those schools of learning who speak things by custom, or by chance, or because they are taught, and because they are not suffered to be examined. Whoever offers at a reproof of reason, must be sure that he is right in the article, and that must be upon the strength of stronger reason; and he that offers by reason to reprove a pretended article, must be sure his reason must be greater than the reverence of that pretension.

§ 52. And therefore holy scriptures command us in those cases to such purposes, as not only teach us what to do in it, but also confirm the main enquiry; for therefore we are commanded to "try all things[f]." Suppose that be meant that we try them by scriptures; how can we so try them, but by comparing line with line, by considering the consequents of every pretence, the analogy of faith, the measures of justice, the laws of nature, essential right, and prime principles? and all this is nothing but by making our faith the limit of our reason, in matters of duty to God; and reason the minister of faith, and things that concern our duty. The same is intended by those other words of another apostle, "Beloved, believe not every spirit, but try if the spirits be of God[g];" how can this be tried? by scripture? yea; but how if the question be of the sense of scripture, as it is generally at this day? Then it must be tried by something extrinsical to the question, and whatsoever you can call to judgment, reason must still be your solicitor and your advocate, and your judge; only reason is not always the law, sometimes it is, for so our

[f] [1 Thess. v. 21.] [g] [1 John iv. 1.]

blessed Saviour was pleased to say, "Why of yourselves do you not judge that which is reasonable[h]?" for so δίκαιον there is used, that which is fitting and consonant to reason; and in proportion to this it was, that so much of the religion of Jesus was clothed with parables, as if the theorems and propositions themselves were clothed with flesh and blood, and conversed after the manner of men, to whom reason is the law, and the rule, the guide and the judge, the measure of good and evil for this life, and for that which is to come. The consequent is this:

§ 53. He that says thus, 'this doctrine is against the word of God, and therefore it is absurd and against reason,' may as it falls out say true; but his proposition will be of no use, because reason is before revelation, and that this is revealed by God must be proved by reason. But,

§ 54. He that says, 'this is absurd,' or 'this is against reason, therefore this is against the word of God,' if he says true in the antecedent, says true in the consequent, and the argument is useful in the whole, it being the best way to interpret difficult scriptures, and to establish right senses, and to confute confident heresies. For when both sides agree that these are the words of God, and the question of faith is concerning the meaning of the words, nothing is an article of faith, or a part of the religion, but what can be proved by reasons to be the sense and intentions of God. Reason is never to be pretended against the clear sense of scripture, because by reason it is that we came to perceive that to be the clear sense of scripture. And against reason, reason cannot be pretended; but against the words of scripture produced in a question, there may be great cause to bring reason; for nothing seems plainer than those words of S. James[i], "Above all things, my brethren, swear not at all;" and yet reason interposes and tells us, that plain words must not be understood against plain reason and plain necessity: for if oaths before magistrates were not permitted and allowed, it were necessary to examine all men by torture; and yet neither so could they so well be secured of truth as they can by swearing. What is more plain than the words of S. Paul[k], νεκρώσατε τὰ μέλη ὑμῶν τὰ ἐπὶ τῆς γῆς, 'mortify' or 'kill your members, that are upon the earth;' and yet reason tells us, that we must not hurt or destroy one limb, and wherever the effect would be intolerable, there the sense is still unreasonable; and therefore not a part of faith, so long as it is an enemy to reason, which is the elder sister, and the guide and guardian of the younger.

§ 55. For as when the tables of the law were broken by Moses, God would make no new ones, but bade Moses provide some stones of his own, and He would write them over: so it is in our religion, when God with the finger of His spirit writes the religion and the laws of Jesus Christ, He writes them in the tables of our reason, that

[h] [Luke xii. 57.] [i] [James v. 12.] [k] [Col. iii. 5.]

is, 'in the tables of our hearts.' *Homo cordatus*, a wise, rational man, sober, and humble, and discursive hath the best faith, but the ἄτοποι (as S. Paul calls them) 'the unreasonable,' they are such who 'have no faith[l].' For the christian religion is called by S. Paul λογικὴ λατρεία, 'a reasonable worship[m];' and the word of God is called by S. Peter γάλα λογικὸν ἄδολον, 'the reasonable and uncrafty milk[n];' it is full of reason, but it hath no tricks, it is rational, but not crafty, it is wise and holy: and he that pretends there are some things in our religion, which right reason cannot digest and admit, makes it impossible to reduce atheists, or to convert Jews and heathens. But if reason invites them in, reason can entertain them all the day.

And now to the arguments brought against the use of reason; the answers may easily be gathered from the premises:

§ 56. I. To the first I answer, that reason is the eye of the soul in all things, natural, moral, and religious; and faith is the light of that eye, in things pertaining to God; for it is true, that natural reason cannot teach us the things of God, that is, reason instructed only by this world, which S. Paul calls 'the natural man,' cannot discern the things of the Spirit, for they are 'spiritually discerned[o]:' that is, that they are taught and perceived by the aids of God's Spirit, by revelation, and divine assistances and grace: but though natural reason cannot, yet it is false to say that reason cannot; for reason illuminated can 'perceive the things of God;' that is, when reason is taught in that faculty, under that master, and by those rules which are proper for spiritual things, then reason can do all its intentions.

§ 57. II. To the second I answer, that therefore humility and piety are the best dispositions to the understanding the secrets of the gospel:

1) Because these do remove those prejudices and obstructions which are bars and fetters to reason; and the humble man does best understand, because the proud man will not enquire, or he will not labour, or he will not understand any proposition that makes it necessary for him to lay aside his employment or his vanity, his interest or his vice.

2) These are indeed excellent dispositions to understanding, the best moral instruments, but not the best natural. If you are to dispute against a heathen, a good reason will sooner convince him than an humble thought. If you be to convert a Jew, an argument from the old prophets is better to him than three or four acts of a gracious comportment.

3) Sometimes by way of blessing and reward. God gives understanding to good persons, which to the evil He denies, but this which effects any thing by way of divine blessing, is not to be supposed the best natural instrument. Thus the divines say that the fire of hell

[l] [2 Thess. iii. 2.]
[m] [Rom. xii. 1.]
[n] [1 Pet. ii. 2.]
[o] [1 Cor. ii. 14.]

shall torment souls, *tanquam instrumentum divinæ voluntatis*, 'as the instrument in the hand of a voluntary, and almighty agent,' but not as a thing apportioned properly to such an event, for the worm of conscience is more apt to that purpose.

4) And when we compare man with man, so it is true that the pious man should be sooner instructed than the impious, *cæteris paribus*, but if we compare discourse and piety, reason and humility, they excel each other in their several kinds, as wool is better than a diamond, and yet a diamond is to be preferred before a bag of wool; they operate to the same purpose of understanding in several manners. And whereas it is said in the argument, that 'the doctrine of the cross was foolishness to the Greeks[p],' it is true, but nothing to the present question. For therefore it was foolishness to them, because they had not been taught in the secrets of God, they were not instructed how God would by a way so contrary to flesh and blood, cause the spirits of just men to be made perfect. And they who were wise by Plato's philosophy, and only well skilled in Aristotle, could do nothing in the schools of Jesus, because they were not instructed in those truths by which such proceedings were to be measured; but still, reason is the great wheel, though according as the motion was intended, new weights must be proportioned accordingly.

§ 58. III. The third objection presses upon the point of duty, and 'because the scripture requires obedience of understanding, and submitting our most imperious faculties, therefore reason is to be excluded.' To this I answer, that we must submit our understanding to God, is very true, but that is only when God speaks. But because we heard Him not, and are only told that God did speak, our reason must examine whether it be fit to believe them that tell us so; for some men have spoken falsely, and we have great reason to believe God, when all the reason in the world commands us to suspect the offerings of some men: and although we ought for the greatest reasons submit to God, yet we must judge and discern the sayings of God, from the pretences of men; and how that can be done without using our reason in the enquiries of religion, is not yet discovered; but for the obedience of understanding, it consists in these particulars.

The particulars in which obedience of understanding consists.

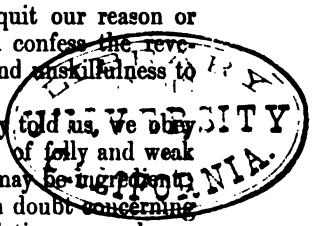
§ 59. 1) That we submit to God only and not to man; that is, to God wherever it appears reasonable to be believed that He hath spoken, but never to man unless he hath authority from reason or religion to command our conformity.

§ 60. 2) That those things which by the abuse and pretence of reason are passed into a fictitious and usurped authority, make no part of our religion; for because we are commanded to submit our

[p] [1 Cor. i. 23.]

understanding to God, therefore we must "call no man master upon earth;" therefore it is certain that we must not believe the reports or opinions of men against a revelation of God. He that communicates with holy bread only, and gives not the chalice to all God's people that require the holy communion, does openly adhere to a fond custom and authority of abused men, and leaves the express, clearest, undeniable institution of God.

§ 61. 3) When reason and revelation seem to disagree, let us so order ourselves that so long as we believe this to be a revelation, no pretence of reason may change our belief from it; if right or sufficient reason can persuade us that this is not a revelation, well and good; but if reason leaves us in the actual persuasion that it is so, we must force our reason to comply with this, since no reason does force us to quit this wholly; and if we cannot quit our reason or satisfy it, let us carry ourselves with modesty, and confess the revelation, though with profession of our ignorance, and unskilfulness to reconcile the two litigants.



§ 62. 4) That whatsoever is clearly and plainly told us, we obey it, and rest in it, and not measure it by the rules of folly and weak philosophy, or the sayings of men in which error may be ingredient; but when things are unequal, that is, when we can doubt concerning our reason, and cannot doubt concerning the revelation, we make no question but prefer this before that.

§ 63. 5) That in particular enquiries, we so order ourselves as to make this the general measure, that we never do violence to the word of God, or suspect that, but resolve rather to call ourselves liars, than that religion should receive detriment; and rather quit our arguments than hazard an article; that is, that when all things are equal, we rather prefer the pretence of revelation, than the pretences of reason, for the reverence of that and the suspicion of this. Beyond this we can do no more.

§ 64. IV. To the fourth I answer, that it is true, reason is fallible, or rather, to speak properly, ratiocination, or the using of reason, is subject to abuse and deception; for reason itself is not fallible: but if reason, that is, reasonings be fallible, so are the pretences of revelation subject to abuse; and what are we now the nearer? Some reasons are but probable, and some are certain and confessed, and so it is in the sense of scriptures, some are plain and need no interpreter, no discourse, no art, no reasonings to draw out their sense; but many are intricate and obscure, secret and mysterious; and to use a fallible reasoning to draw out an obscure and uncertain sense of scripture, is sometimes the best way we have, and then we must make the best of it we can: but the use of reasoning is not only to find out truth the best we can, but sometimes we are as sure of it, as of light; but then and always our reason (such as it is) must lead us into such proportions of faith as they can: according as our reason or motives are, so ordinary is the degree of our faith.

§ 65. V. To the fifth I need give no other answer but this, that it confesses the main question: for if this be the greatest reason in the world, 'God hath said it, therefore it is true,' it follows, that all our faith relies upon this one reason; but because this reason is of no use to us till the minor proposition be proved, and that it appear that God hath said it, and that in the enquiry after that, we are to use all our reason; the consequent is, that in the first and last, reason lends legs to faith, and nothing can be wisely believed, but what can by some rational inducement be proved. As for the last proposition in the objection, 'This is against scripture, therefore it is absurd and unreasonable,' I have already made it appear to be an imprudent and useless affirmative.

§ 66. VI. The sixth objection complains of them that by weak reasonings lose their religion, but this is nothing against right reasoning. For 1) because mountebanks and old women kill men by vile physic, therefore is it true, that the wise discourses of physicians cannot minister to health? Half-witted people talk against God, and make objections against religion, and themselves have not wit or will enough to answer them, and they intending to make reason to be the positive and affirmative measure of religion, are wholly mistaken, and abuse themselves and others. 2) We are not to exact every thing in religion according to our weak reasonings; but whatsoever is certain in reason, religion cannot contradict that, but what is uncertain or imperfect, religion oftentimes does instruct and amend it. But there are many mysteries of religion contrary to reason, corrupted with evil manners, and many are contrary to reason, corrupted with false propositions; now these men make objections, which upon their own principles they can never answer: but that which seems impossible to vicious persons is reason to good men, and that which children and fools cannot answer, amongst wise men hath no difficulty; and the ignorant, and the unstable, "wrest some scriptures to their own damnation:" but concerning the new atheists that pretend to wit, it is not their reason, but their want of reason that makes them such, for if either they had more learning, or did believe themselves to have less, they could never be atheists.

§ 67. VII. To the last I answer, 1) that it is reason we should hear reason wherever we find it, if there be no greater evil brought by the teacher than he can bring good: but if a heretic preaches good things, it is not always lawful to hear them, unless when we are out of danger of his abuses also. And thus truth from the devil may be heard, if we were out of his danger; but because he tells truth to evil purposes, and makes wise sayings to become craft, it is not safe to hear him. 2) But besides this, although it is lawful to believe a truth which the devil tells us, yet it is not lawful to go to school to the devil, or to make enquiries of him, because he that does so, makes him his master, and gives something of God's portion to God's enemy. As for judicial astrology and genethliacal predictions, for

my part I therefore reprove them, not because their reason is against religion, for certainly it cannot be; but because I think they have not reason enough in what they say; they go upon weak principles which they cannot prove; they reduce them to practice by impossible mediums: they draw conclusions with artless and unskilful heads, they argue about things with which they have little conversation, they cannot make scientifical progress in their profession, but out of greediness to do something; they usually at least are justly suspected to take in auxiliaries from the spirits of darkness; they have always spoken uncertainly, and most part falsely; and have always lived scandalously in their profession: they have by all religions been cried down, trusted by none but fools, and superstitious people; and therefore although the art may be very lawful, if the stars were upon the earth, or the men were in heaven, if they had skill in what they profess, and reason in all their pretences, and after all that their principles were certain, and that the stars did really signify future events, and that those events were not overruled by every thing in heaven and in earth, by God, and by our own will and wisdom, yet because here is so little reason, and less certainty, and nothing but confidence and illusion, therefore it is that religion permits them not; and it is not the reason in this art that is against religion, but the folly or the knavery of it, and the dangerous and horrid consequents, which they feel that run a whoring after such idols of imagination.

RULE IV.

A JUDGMENT OF NATURE, OR INCLINATION IS NOT SUFFICIENT TO MAKE A SURE CONSCIENCE.

§ 1. BECAUSE this rule is of good use, not only for making judgment concerning the states of some men, but also in order to many practices, it will not be lost labour to consider, that there are three degrees of practical judgment.

§ 2. 1) The first is called an inclination, or the first natural consonancy between the faculty or disposition of man, and some certain actions. All men are naturally pitiful in some degree, unless their nature be lame and imperfect; as we say all men naturally can see, and it is true, if they have good eyes: so all men naturally are pitiful, unless they have no bowels; but some more, some less. And therefore there is in their natures a conveniency, or agreeing between their dispositions and acts of charity. In the first or lowest sort there is an aptness to it. 2) In the sweeter and better natures there is a virtual charity. 3) But in those that consider and choose, and ob-

serve the commandment, or the proportions of right reason, there is in these only a formal, deliberative, compound or practical judgment.

§ 3. Now concerning the first sort, that is, the natural disposition or first propensity, it is but a remote disposition towards a right conscience and a practical judgment; because it may be rescinded, or diverted by a thousand accidents, and is nothing else but a relic of the shipwreck which Adam and all the world have made, and may pass into nothing as suddenly as it came. He that sees two cocks fight, though he have no interest in either, will assist one of them at least by an ineffective pity and desire[q]: but this passes no further than to natural effects, or the changes or affections of a loadstone; it may produce something in nature, but nothing in manners.

§ 4. Concerning the second, that is, a virtual judgment, that is, a natural inclination passing forth into habit or custom, and delight, in the actions of some virtues; it is certain that it is one part of the grace of God, and a more promoted and immediate disposition to the virtue of its kind than the former. Some men are naturally very merciful, and some are abstemious, and some are continent; and these in the course of their life take in every argument and accidental motive, and the disposition swells, and the nature is confirmed. But still it is but nature. The man, it may be, is chaste, because he hates the immodesty of those addresses which prepare to uncleanness; or he loves his quiet, or fears the accidents of his enemy-crime; or there was a terror infused into him by the sight of a sad spectacle, the evil reward of an adulterous person.

—— quosdam mœchos dum mugilis intrat[r].

Concerning this kind of virtual judgment or confirmed nature, I have two things to say.

§ 5. 1) That this virtual judgment can produce love or hatred to certain objects, ineffective complacencies or disrelishes respectively, proper antipathies and aversations from a whole kind of objects: such as was that hatred that Tamerlane[s] had to Zercon, or some men to cats. And thus much we cannot deny to be produced by the operation and simple apprehension of our senses by pictures and all impressions of fancy. *Cum opinamur difficile aliquid aut terribile statim compatimur; secundum imaginem autem similiter nos habemus*[t]; 'we find effects and impresses according to the very images of things we see, and by their prime apprehensions;' and therefore much rather may these *actus imperati*, or more natural and proper effects and affections of will be entertained or produced respectively. Men at first sight fall in love with women, and that against their reason and resolution, and counsel, and interest, and they cannot help it; and so

[q] [Aristot. Eth. Nic., lib. viii. cap. 2. tom. ii. p. 1155.]

[r] [Juv. x. 317.]

[s] [Read 'Attila;' see Suidas, Ζέρκων. Compare vol. viii. p. 512.]

[t] Vide Aristot. de anima, [lib. iii. cap. 3. tom. i. p. 427.]

they may do with some actions of virtue. And as in the first case they are rather miserable than vicious; so in this they are rather fortunate than virtuous: and they may be commended as we praise a fair face, or a strong arm, an athletic health, or a good constitution; and it is indeed a very good disposition and a facilitation of a virtuous choice. But,

§ 6. 2) This virtual judgment, which is nothing but nature confirmed by accidents, is not a state of good by which a man is acceptable to God. Neither is it a sufficient principle of a good life, nor indeed of the actions of its own kind. First, not of good life, because it may be in a single instance; and it can never be in all. The man that is good-natured, that is, naturally meek, and loving, goes the furthest upon this account; but without the conjunction of other virtues, it is a great way off from that good state whither naturally it can but tend and incline: and we see some good things are made to serve some evil; and by temperance, and a moderate diet, some preserve their health, that they may not preserve their chastity: and they may be habitually proud, because they are naturally chaste; and then this chastity is no virtue, but a disposition and an aptness only. In this sense that of S. James may be affirmed [u], "He that offends in one, is guilty of all;" that is, if his inclinations, and his accidentally acquired habits be such as to admit a mixture, they are not genuine and gracious: such are these that are the effects of a nature fitted towards a particular virtue. It must be a higher principle that makes an entire piety; nature and the habits growing upon her stock cannot do it. Alexander was a continent prince, and the captive beauties of Persia were secured by it in their honours; but by rage he destroyed his friend, and by drunkenness he destroyed himself.

But secondly, neither is this virtual judgment a sufficient principle of the actions of its own kind; for this natural strength is nothing but an uneasiness and unaptness to suffer by common temptations; but place the man where he can be tempted, and this good disposition secures him not, because there may be something in nature bigger than it.

§ 7. It remains then, that to the constitution of a right and sure conscience, there is required a formal judgment, that is, a deliberation of the understanding, and a choice of the will, that being instructed, and this inclined by the grace of God: *tantoque laudabilior munificentia nostra fore videbatur, quod ad illam non impetu quodam sed consilio trahebamur*, said Secundus [v]: then it is right and good, then when it is not violent, necessary, or natural, but when it is chosen. This makes a right and sure conscience, because the grace of God hath an universal influence into all the course of our actions. For He that said "Do not kill," said also, "Do not steal:" and if he obeys in one instance, for that reason must obey in all, or be

[u] [ii. 10.] [v] Lib. i. [ep. 8.]

condemned by himself, and then the conscience is right in the principle and fountain, though defiled in the issue and emanation. For he that is condemned by his own conscience, hath the law written and the characters still fair, legible, and read; but then the fault is in something else; the will is corrupted. The sum is this:

§ 8. It is not enough that the conscience be taught by nature, but it must be taught by God, conducted by reason, made operative by discourse, assisted by choice, instructed by laws and sober principles: and then it is right, and it may be sure.

RULE V.

WHEN TWO MOTIVES CONCUR TO THE DETERMINATION OF AN ACTION, WHEREOF ONE IS VIRTUOUS, AND THE OTHER SECULAR, A RIGHT CONSCIENCE IS NOT PREJUDICED BY THAT MIXTURE.

§ 1. He that fasts to punish himself for his sins, and at the same time intends his health, though it will be very often impossible for him to tell himself which was the final and prevailing motive and ingredient into the persuasion, yet it is no detriment to his conscience; the religious motive alone did suffice to make it to be an act of a good conscience; and if the mixture of the other could change this, it could not be lawful to use, or in any degree to be persuaded by the promises of those temporal blessings which are recorded in both testaments, and to which there is a natural desire, and proper inclination. But this also is with some difference.

§ 2. Secondly, if the secular ingredient be the stronger, it is in the same degree as it prevails over the virtuous or religious, a diminution of the worthiness of the action; but if it be a secular blessing under a promise, it does not alter the whole kind of the action. The reason is this, because whatever God hath promised, is therefore desirable and good, because He hath promised it, or He hath promised it because it is of itself good, and useful to us; and therefore whatever we may innocently desire, we may innocently intend: but if it be mingled with a religious and spiritual interest, it ought not to sit down in the highest place, because a more worthy is there present, lest we be found to be passionate for the things of this life, and indifferent for God and for religion.

§ 3. Thirdly, if the secular or temporal ingredient be not under a promise, and yet be the prime and chief motive, the whole case is altered: the conscience is not right, it is natural inclination, not conscience, it is sense or interest, not duty. He that gives alms with a purpose to please his prince, who is charitable and religious, although his

purpose be innocent, yet because it is an end which God hath not encouraged by propounding it as a reward of charity, the whole deliberation is turned to be a secular action, and passes without a reward. Our blessed Saviour hath by an instance of His own determined this case: "When thou makest a feast call not the rich," who can make thee recompense, but "call the poor, and thou shalt have reward in heaven[x]." To call the rich to a feast is no sin, but to call them is to lose the reward of charity, by changing the whole nature of the action from charity to civility, from religion to prudence.

§ 4. And this hath no other exception or variety in it, but when the mixture is of a thing that is so purely natural, that it is also necessary. Thus to eat upon a festival day to satisfy a long hunger, to be honestly employed to get a living, do not cease to be religious, though that which is temporal be the first and the greatest cause of the action or undertaking. But the reason of this difference (if any be apprehended) is because this natural end is also a duty, and tacitly under a promise.

Quest.

§ 5. It is usually required that all that enter into the holy offices of the ministry should so primely and principally design the glory of God, that all other considerations should scarce be ingredients into the resolution; and yet if it be enquired how far this is obligatory, and observe how little it is attended to in the first preparations to the order, the very needs of most men will make the question material.

§ 6. But I answer to the question, in proportion to the sense of the present rule:

1) Wherever a religious act by God's appointment may serve a temporal end and a spiritual, to attend either is lawful; but it is still more excellent, by how much preference and greater zeal we more serve the more excellent. Therefore although it be better to undertake the sacred function wholly for ends spiritual, yet it is lawful to enter into it with an actual design to make that calling the means of our natural and necessary support. The reason is:

§ 7. Because it is lawful to intend what God hath offered and propounded. The end which God hath made cannot be evil, and therefore it cannot be evil to choose that instrument to that end, which by God's appointment is to minister to that end. Now since "God hath ordained that they who preach the gospel should live of the gospel[y]," it cannot be unlawful to design that in order to this.

§ 8. 2) If our temporal support and maintenance be the first and immediate design, it makes not the whole undertaking to be unlawful. For all callings, and all states, and all actions, are to be directed or done to the glory of God; according to that saying of S. Paul[z], "Whether ye eat or drink, or whatsoever ye do, do all to the glory

[x] [Luke xiv. 12, 13.] [y] [1 Cor. ix. 14.] [z] [1 Cor. x. 31.]

of God:" and that one calling should be more for God's glory than another, is by reason of the matter and employment; but in every one, for its portion still, God's glory must be the principal, and yet no man questions but it is lawful for any man to bring his son up to the most gainful trade, if in other things there be no objection: and therefore why this may not be the first moving consideration in the susception of, or designation to the calling ecclesiastical, cannot have any reason in the nature of the thing. For if in all things God's glory must be the principal end, and yet in some callings the temporal advantage is the first mover, then it may be so in all; the intention of God's glory notwithstanding: for if it hinders not in that, it hinders not in this. But yet,

§ 9. 3) It is a great imperfection actually to think of nothing but the temporal advantages, of which God hath in that calling made provisions; but I say, it is not always a sin to make them the first mover in the designing the person to that calling.

§ 10. But therefore this is only tolerable in those persons, who at great distance design the calling; as when they first study to make themselves capable of it, then it is tolerable, because they are bound to provide for themselves in all just ways, and standing at so great distances from it, cannot behold the beauties which are *in interiori domo;* the duty which is on them, is to do that which is their proper work, that is, to fit themselves with abilities and skill to conduct it, and therefore their intention must be fitted accordingly, and move by the most powerful and prevailing motive, so it be lawful. He that applies himself to learn letters, hath an intention proportionable to his person and capacity when he first enters, and as he grows in powers, so must he also in purposes; so that as he passes on to perfection, he may also have intentions more noble and more perfect: and a man in any calling may first design to serve that end that stands next him, and yet when he is possessed of that, look on further to the intention of the thing, and its own utmost capacity. But therefore,

§ 11. 4) Whoever does actually enter into orders, must take care that his principal end be the glory of God, and the good of souls. The reasons are these:

§ 12. *α*) Because no man is fit for that office, but he that is spiritual in his person, as well as his office: he must be a despiser of the world, a light to others, an example to the flock, a great denier of himself, of a celestial mind, he must mind heavenly things: with which dispositions it cannot consist, that he who is called to the lot of God, should place his chief affections in secular advantages.

§ 13. *β*) This is that of which the apostle was a glorious precedent, "We seek not yours, but you; for the parents lay up for the children, not children for their parents[a]:" meaning, that between the spiritual and the natural paternity, there is so much proportion, that

[a] [2 Cor. xii. 14.]

when it is for the good of the children, they must all quit their temporal advantages; but because this is to be done for the spiritual, it follows, this must be chief.

§ 14. And this I suppose is also enjoined by another apostle, "Feeding the flock of God, not for filthy lucre sake," ἀλλὰ προθύμως, that is, "but of a prompt, ready mind[b];" a mind moved by intrinsic arguments of fair design, not drawn by the outward cords of vanity and gain.

§ 15. γ) The work of the calling being principally and immediately for the good of souls, and for the glory of God, it cannot be pursued as the nature of the work requires, if that be not principally intended, which is principally to be procured. All that which is necessary in order to it must also be taken care of; thus the ministers of religion may attend their health, and must look to their necessary support, and may defend themselves against all impediments of their offices in just and proportionable ways: but because all these have further purposes, although they standing nearest may be first regarded by an actual care, at some times, and in some circumstances, and by actual attention; yet habitually, and principally, and constantly, the glory of God, and the good of souls must be in the heart, and in the purpose of every action.

§ 16. But the principality and pre-eminence of this intention is no otherwise to be judged of, either by ourselves or others, than by these following significations.

§ 17. 1) No man can in any sense principally, that is, as he ought, intend the good of souls, who enters into the sacred ministry without those just measures of preparation and disposition, which are required by the church, and the nature of the thing itself; that is, that he be well instructed in the holy scriptures, and be fit to teach, to exhort, to reprove. For he who undertakes a work which can serve God's end and his own in several capacities, and is not sufficiently instructed to serve the ends of God, it is apparent that what he undertakes is for his own end.

2) His intentions cannot be right, who by any indirect arts does enter, for that which does not begin at God, cannot be for God. *Non enim ambitione, vel pretio, sed probatæ vitæ et disciplinarum testimonio, ad honoris et sacerdotii insignia oportet promoveri,* said the emperor Theodosius. He therefore who simoniacally enters, fixes his eye and heart upon that which he values to be worth money, not upon the spiritual employment, between which and money there can be no more proportion, than between contemplation and a cart rope; they are not things of the same nature; and he that comes into the field with an elephant, cannot be supposed to intend to hunt a hare: neither can he be supposed to intend principally the ministry of souls, who comes to that office instructed only with a bag of money.

§ 18. 3) He may be supposed principally to intend the ministry of

[b] [1 Pet. v. 2.]

souls, and in it the glory of God, who so attends to the execution of his office, that it do really and sufficiently minister to the thing. For since the calling is by God really designed to that end, and if the ministers be not wanting to themselves, they are sufficiently enabled and assisted to that purpose; he that zealously and wisely ministers in the office, hath given a most real testimony of his fair intention, because he does that thing so as those intentions only can be effected. The thing itself is sufficient for the end if God blesses it; he therefore that does the thing, does actuate the intention of God, and sanctifies his own: but this is to be understood with the addition of the following caution.

§ 19. 4) He may be confident that his intentions for God's glory and the good of souls are right and principal, who so conjoins his other lesser ends with the conduct of the greater, that they shall always be made to give place to the greater. That is, who still pursues the interest of souls, and the work of his ministry, when the hopes of maintenance, or honour, or secular regards do fail. For he that for carnal or secular regards will either quit or neglect his ministry, it is certain his carnal or secular ends were his chief motive and incentive in the work. It was the case of Demas who was S. Paul's[c] minister and work-fellow in the service of the gospel, but he left him, because "he loved the present world;" concerning which, it is to be considered, that this lapse and recession of Demas from the assistances of S. Paul, did not proceed from that love of the world which S. John speaks of[d], and is criminal, and forbidden to all Christians, which "whosoever hath, the love of the Father dwells not in him," but is to be understood of such a love, which to other Christians is not unlawful, but was (in those times especially) inconsistent with the duty of evangelists, in those great necessities of the church: Demas was a good man, but weak in his spirit, and too secular in his relations, but he returned to his station, and did the work of an evangelist, a while after, as appears in the epistle to the Colossians and Philemon; but for the present he was to blame. For he would secure his relations and his interests with too great a caution and diligence, and leave the other to attend this. Such as now-a-days is too great care of our estates, secular negotiations, merchandises, civil employments, not ministering directly unto religion, and the advantages of its ministration. For our great king the Lord Jesus hath given to all Christians some employment, but to some more, to some less, and in their own proportion they must give a return: and in a minister of the gospel, every inordination of carefulness, and every excess of attendance to secular affairs, and every unnecessary avocation from, or neglect of his great work is criminal, and many things are excesses in them, which are not in others, because the ministerial office requires more attendance and conversation with spiritual things, than that of others.

§ 20. 5) If ever the minister of holy things, for hope or fear, for

[c] [2 Tim. iv. 10.] [d] [1 John ii. 15.]

gain or interest desert his station, when he is persecuted, or when he is not persecuted, it is too much to be presumed, that he did not begin for God, who for man will quit God's service. They that wander till they find a rich seat, do all that they do for the riches of the place, not for the employment. *Si non ubi sedeas locus est, est ubi ambules*, said he in the comedy[e]; the calling of these men is not fixed but ambulatory: and if that which fixes them be temporal advantages, then that which moved them principally is not spiritual employment.

§ 21. For it is considerable, that if it be unlawful to undertake the holy calling without a divine vocation to it, then to forsake it without a divine permission must be criminal. He that calls to come calls to continue, where the need is lasting, and the office perpetual. But to leave the calling when the revenue is gone, to quit the altar when it hath no offering, to let the souls wander, when they bring no gifts, is to despise the religion, and to love only the fat of the sacrifices. For the altar indeed does sanctify the gift, but not the gift the altar; and he hath but a light opinion of an eternal crown of glory, or thinks God but an ill paymaster, that will not do Him service upon the stock of His promises, and will not feed the flock, though he have no other reward but to be feasted in the eternal supper of the Lamb. Who are hirelings, but they who fly when the wolf comes? and woe be to that evangelist who upon any secular regard neglects to preach the gospel; woe be to him, to whom it shall be said at the day of judgment, 'I was hungry, and My flock was hungry, and ye fed neither it nor Me.'

But this is to be understood with these liberties:

§ 22. 1) That it be no prejudice to those ecclesiastics, who in time of persecution, do so attend to their ministries, that no material part of it be omitted, or slightly performed, and yet take from it such portions of time as are necessary for their labour, or support by any just and honest employment. Thus S. Paul wrought in the trade of a tent-maker, because he would not be a burthen to the church of Corinth; and when the church is stripped naked of her robes, and the bread of proposition[f] are stolen from her table by soldiers, there is no peradventure but the ecclesiastical offices are so to be attended to, that the natural duty and necessity be not neglected.

§ 23. 2) That it be no prejudice to ecclesiastics in the days of peace or war, to change their station from bishopric to bishopric [g], from church to church, where God or the church, where charity or necessity, where prudence or obedience calls. Indeed it hath been fiercely taught, that ecclesiastics ought never and upon no pretence to desert their church and go to another, any more than a man may forsake his wife; and for this a decretal of P. Evaristus is pretended,

[e] [Plaut. Captiv., prolog. 12.]

[f] [ἄρτους τῆς προθέσεως, Matt. xii. 4, 'panes propositionis,' ed. vulg.]

[g] [See Taylor's letters to Ormond, Nov. 2, 1661, and to Abp. Sheldon, May 25, 1664; now printed with his life.]

and is recorded in the canon law: *Can. 'Sicut vir;' Caus. 7. q. 1*[h]. *Sicut vir non debet adulterare uxorem suam, ita nec episcopus ecclesiam suam, ut illam dimittat ad quam sacratus est:* and therefore when Eusebius the bishop of Cæsarea was called to be bishop of Antioch, he refused it pertinaciously, and for it was highly commended by the emperor, and S. Hierome in his epistle to Oceanus[i] tells, *In Nicæna synodo a patribus decretum est, ne de alia ad aliam ecclesiam episcopus transferatur, ne virginalis pauperculæ societate contempta ditioris adulteræ quærat amplexus.* Something indeed like it was decreed by the fifteenth and sixteenth canons of the Nicene council[k]; and it was an usual punishment amongst the holy primitives, *Careat cathedra propria qui ambit alienam.* But these things though they be true and right, yet are not a contradictory to the present case. For,

§ 24. 1) Evaristus (it is clear) forbad translations and removes from church to church, *ambitus causa,* 'for ambition or covetousness;' and therefore it is by him expressly permitted in their proper cases and limits; that is, *in inevitabili necessitate, aut apostolica vel regulari mutatione,* 'when there is inevitable necessity, or the command and authority of a superior power:' and yet upon perusal of the decree I find, that Evaristus his intent was, that a bishop should not thrust his church from him by way of divorce and excommunication, and take another, as appears not only by the corresponding part of the decree, viz. 'That neither must the church take in another bishop or husband upon him to whom already she is espoused;' but by the expression used in the beginning of it, *dimittere ecclesiam episcopus non debet;* and it is compared to the adultery of a man that puts away his wife, and marries another; and also it appears more yet by the gloss, which seems to render the same sense of it, and wholly discourses of the unlawfulness to excommunicate a church or a city, lest the innocent should suffer with the criminal: for when a church is excommunicated, though all those persons die upon whom the sentence fell, yet the church is the same under other persons their successors, and therefore all the way it does injustice, by involving the new arising innocents, and at last is wholly unjust by including all and only innocent persons. But which way soever this decree be understood, it comes not home to a prohibition of our case.

§ 25. 2) As for Eusebius, it is a clear case he imposed upon the good emperor, who knew not the secret cause of Eusebius his denial to remove from Cæsarea to Antioch. For he having engaged the emperor before time to write in his behalf, that he might be permitted to enjoy that bishopric, was not willing to seem guilty of levity and easiness of change. But that was not all, he was a secret favourer of the Arians, and therefore was willing to go to that church where his predecessor Eustathius had been famous for opposing that pest.

[h] [Gratian. Decret., part. 2. caus. vii. quæst. 1. can. 11. col. 889.]
[i] [Epist. lxxxii. tom. iv. part. 2. col. 649.] [k] [tom. i. col. 330.]

3) To that of S. Jerome out of the Nicene council, I answer, that the prohibition is only of such, 'as without authority, upon their own head, for their own evil purposes,' and 'with injury to their own churches' did it: and of covetousness it is, that S. Jerome notes and reproves the practice. To despise our charge because it is poor, is to love the money more than the souls, and therefore this is not to be done by any one of his own choice; but if it be done by the command or election of our superior, it is to be presumed it is for the advantage of the church in matter of direct reason, or collateral assistances, and therefore hath in it no cause of reproof.

§ 26. And to this purpose the whole affair is excellently stated by the fourteenth canon of the Apostles[1]; 'A bishop must not leave his own parish or diocese, and invade that of another man,' *nisi forte quis cum rationabili causa compellatur, tanquam qui possit ibidem constitutus plus lucri conferre, et in causa religionis aliquid profectus prospicere:* 'If there be a reasonable cause' he may; and the cause is reasonable, if by going he may 'do more good, or advantage to religion:' but of this he is not to be judge himself, but must be judged by his superiors; *et hoc non a semetipso pertentet, sed multorum episcoporum judicio, et maxima supplicatione perficiat;* 'he must not do it on his own head, but by the sentence and desire of the bishops.'

§ 27. There needs no more to be added to this, but that if a greater revenue be annexed to another charge, and that it be *in rem ecclesiæ* that the more worthy person should be advanced thither, to enable his better ministries by those secular assistances which our infirmity needs, there is nothing to be said against it, but that if he be the man he is taken for, he knows how to use those advantages to God's glory, and the good of souls, and the services of the church; and if he does so, his intentions are to be presumed pure and holy, because the good of souls is the principal.

§ 28. Upon the supposition of these causes, we find that the practice of the ancient bishops and clerks in their translations was approved. Origen did first serve God in the church of Alexandria, afterwards he went to Cæsarea, to Antioch, to Tyre; and S. Gregory Nazianzen changed his episcopal see eight times. Nay the apostles themselves did so. S. Peter was first bishop of Antioch, afterwards of Rome: and the necessity and utility of the churches called S. Paul to an ambulatory government and episcopacy, though at last he also was fixed at Rome, and he removed Timothy and Titus from church to church, as the need and uses of the church required. But in this, our call must be from God, or from our superiors, not from levity or pride, covetousness or negligence. Concerning which, who please further to be satisfied, may read S. Athanasius his epistle to Dracontius[m] of old; and of late, Chytræus *in Epistolis*, p. 150 and 678[n], and Conradus Porta in his *Formalia*. This only; if every man were

[1] [Coteler. Patr. apost., tom. i. p. 443.]

[m] [tom. i. p. 263 sqq.]

[n] [8vo. Hanov. 1614.]

indispensably tied to abide where he is first called to minister, then it were not lawful for an inferior minister to desire the good work of a bishop; which because it is not to be administered in the same place or charge, according to the universal discipline of the church for very many ages, must suppose that there can be a reasonable cause to change our charges, because the apostle commends that desire which supposes that change.

§ 29. These being the limits and measures of the rule, it would be very good if we were able to discern concerning the secrets of our intentions, and the causes of actions. It is true, that because men confound their actions and deliberations, it will be impossible to tell in many cases what motive is the principal ingredient. *Sed ut tunc communibus magis commodis quam privatæ jactantiæ studebamus, quum intentionem, effectumque muneris nostri vellemus intelligi; ita nunc in ratione edendi, veremur ne forte non aliorum utilitatibus, sed propriæ laudi servisse videamur*[o]. It is hard for a wise and a gallant man, who does public actions of greatest worthiness deserving honour, to tell certainly whether he is more pleased in the honours that men do him or in the knowledge that he hath done them benefits. But yet in very many cases, we may at least guess probably which is the prevailing ingredient, by these following measures; besides those which I have noted and applied to the special case of undertaking the calling ecclesiastical[p].

SIGNS OF DIFFERENCE, WHEREBY WE MAY IN A MIXED AND COMPLICATED INTENTION, DISCERN WHICH IS THE PRINCIPAL INGREDIENT.

§ 30. 1) Whatsoever came in after the determination was made, though it add much the greater confidence, and makes the resolution sharper and more active, yet it is not to be reckoned as the prevailing ingredient; for though it add degrees, yet the whole determination was perfected before. The widow Fulvia was oppressed by Attilius; she complains to Secundus the lawyer. He considers whether he should be advocate for his friend Attilius, or for the oppressed Fulvia; and at last determines on the side of piety and charity, and resolves to relieve the widow, but with some abatement of his spirit and confidence, because it is against his friend: but charity prevails. As he goes to court he meets with Caninius, who gloriously commends the advocation, and by superadding that spur made his diffidence and imperfect resolution confident and clear. In this case the whole action is to be attributed to piety, not to the love of fame; for this only added some moments, but that made the determination.

§ 31. 2) When the determination is almost made, and wants some weight to finish it, whatsoever then supervenes and casts the scales,

[o] Plin., lib. i. [ep. 8.]
[p] Vide 'Rule of Holy Living,' chap. i. sect. 2. [vol. iii. p. 19.]

is not to be accounted the prevailing ingredient, but that which made most in the suspension and time of deliberation, and brought it forward. It is like buying and selling: not the last *maravedi* that was stood upon was the greatest argument of parting with the goods: but that farthing added to the bigger sum, made it big enough; and a child's finger may thrust a load forward; which being haled by mighty men stands still for want of a little assistance.

§ 32. 3) That is the prevailing ingredient in the determination which is most valued, not which most pleases; that which is rationally preferred, not that which delights the senses. If the man had rather lose the sensual than the intellectual good, though in that his fancy is more delighted, yet this is the stronger, and greater in the divine acceptance; though possibly in nature it be less active, because less pleasing to those faculties, which whether we will or no, will be very much concerned in all the entercourses of this life. He that keeps a festival in gratitude and spiritual joy to do God glory, and to give Him thanks, and in the preparation to the action is hugely pleased by considering the music, the company, the festivity and innocent refreshments, and in his fancy leaps at this, but his resolution walks on by that, hath not spoiled the regularity of his conscience by the intermixture of the sensual with the spiritual, so long as it remains innocent: for though this flames brightest, yet the other burns hottest, and will last longer than the other. But of this there is no other sign, but that first we be infinitely careful to prescribe measures and limits to the secular joy, that it may be perfectly subordinate to, and complying with the spiritual and religious: and secondly, if we are willing to suppress the light flame, rather than extinguish the solid fire.

§ 33. 4) Then the holy and pious ingredient is overpowered by the mixture of the secular, when an instrument toward the end is chosen more proportionable to this than to that. Cæcilius, to do a real not a fantastic benefit to his tenants, erected a library in his villa, and promised a yearly revenue for their children's education, and nobler institution. And thus far judgment ought to be made, that he intended piety rather than fame; for to his fame, plays and spectacles would (as the Roman humour then was) have served better: but when in the acting his resolution he praised that his pious purpose, and told them he did it for a pious, not a vain-glorious end, however the intention might be right, this publication was not right. But when he appointed that anniversary orations should be made in the praise of his pious foundation, he a little too openly discovered what was the bigger wheel in that motion. For he that serves a secret piety by a public panegyric, disorders the piety by dismantling the secret: it may still be piety, but it will be lessened by the publication; though this publication be no otherwise criminal, than because it is vain. *Meminimus quanto majore animo honestatis fructus in conscientia quam in fama reponatur. Sequi enim gloria, non appeti*

debet; nec si casu aliquo non sequatur, idcirco quod gloriam meruit minus pulchrum est: hi vero qui benefacta sua verbis adornant, non ideo prædicare quia fecerint, sed ut prædicarent fecisse creduntur[o]; which is the very thing which I affirm in this particular. If the intermediate or consequent actions serve the collateral or secular end, most visibly it is to be supposed, that this was the greater motive, and had too great an influence into the deliberation.

§ 34. But because the heart of man is so intricate, trifling, and various, in most cases it must be sufficient for us to know, that if the mixture be innocent, the whole deliberation is secured in the kind of it, and for degrees we must do as well as we can.

§ 35. But on the other side, if the secular end mixed with the spiritual and religious, the just and the honest, be unlawful, and yet intended, though in a less degree, though but accidentally and by an after consent; the conscience is neither sure nor right, but is dishonoured and defiled: for the whole deliberation is made criminal by mingling with forbidden purposes. He that takes up arms under his prince in a just war, and at the same time intends revenge against his private enemy, casually engaged on the adverse party, loses the reward of his obedience, and changes it for the devilish pleasures of revenge.

Concerning the measure and conduct of our intentions, there are some other things to be said, but because they are extrinsical to the chief purpose of this rule, they are properly to be considered under their own head.

RULE VI.

AN ARGUMENT NOT SUFFICIENT NOR COMPETENT, THOUGH IT DO PERSUADE US TO A THING IN ITSELF GOOD, IS NOT THE GROUND OF A RIGHT, NOR A SUFFICIENT WARRANT FOR A SURE CONSCIENCE.

§ 1. He that goes to public prayers because it is the custom, or communicates at Easter to avoid a censure, hath done an act in itself good, but his motive was neither competent, nor sufficient to make the action religious, or to manifest and declare the conscience to be sure and right. For conscience is the repository of practical reasons: and as in civil actions we count him a fool who wears clothes only because they cost him nothing, or walks because he would see his shadow move upon the wall; so it is in moral. When the reason is incompetent, the action is by chance, neither prudent, nor chosen, alterable by a trifle, tending to a cheap end, proceeding by a regardless motion: and conscience might as well be seated in the fancy, or in the foot, as in the understanding, if its nature and proper design

[o] Plin., lib. i. [ep. 8.]

were not to be conducted with reasons proportionable to such actions which tend to an end perfective of man, and productive of felicity.

§ 2. This rule is so to be understood, that it be not required of all men to have reasons equally good for the same determinations, but sufficient and reasonable in themselves, and apt to lead them in their proper capacities and dispositions, that is, reasons proportionable to that kind of things in which the determination is instanced, viz., a religious reason for an action of religion; a prudent reason for a civil action: but if it be in its proper kind, it is sufficient if it be probable, provided always, that it makes a sure mind, and a full persuasion.

§ 3. He that believes christian religion, because the men are charitable and chaste, and so taught to be, and commanded by the religion, is brought into a good place by a single taper; but he came in by no false light, and he is there where he ought to be. He did not see the way in so brightly as S. Paul did, who was conducted in by an angel from heaven, with a bright flame in his hand; but he made shift to see his way in: and because the light that guided him came from heaven, his conscience was rightly instructed, and if it persuaded him heartily, his conscience is as sure as it is right.

Quest.

§ 4. Upon the account and consequence of this rule it is proper to enquire, whether it be lawful and ingenuous to go about to persuade a man to the belief of a true proposition, by arguments with which himself is not persuaded, and which he believes are not sufficient? The case is this:

§ 5. Girolami a learned priest of Ferrara finds that many of his parishioners are infected with judaism, by reason of their conversation with the Jewish merchants. He studies the Jewish books to discover the weakness of their arguments, and to convince them upon their own grounds. But finding his parishioners moved only by popular arguments, and not capable of understanding the secrets of the old prophets, the synchronisms, nor the computation of Daniel's weeks, the infinite heaps of reasons by which christianity stands firm in defiance of all pretensions to the contrary; sees it necessary to persuade them by things as easy as those are by which they were abused. But then he considers, If they were by error led into error, it is not fit that by error also they should be led out of it into truth; for God needs not to be served with a lie, and evil must not be done that good may be thence procured: but if I go by a false argument to cozen them into truth, I tell a lie to recover them from a lie, and it is a disparagement to the cause of God, that it must be supported by the devil. But having discoursed thus far, he considers further; every argument which I am able to answer, I know cannot conclude in the question; for if it be to be answered, it is at most but a specious outside of reason; and he that knows this, or

believes it so, either must not use that instrument of persuasion, or if he does, he must resolve to abuse the man's understanding before he can set it right: and this he believes to be against the honour of truth, and the rules of charity, and the simplicity and ingenuity of the spirit of a Christian.

To this question I answer by several propositions.

§ 6. 1) It is not lawful to tell a lie for God and for truth; because God will not be served by that which He hates, and there are no defects in truth which need such violent remedies. Therefore Girolami might not to persuade his judaizing parishioners tell them a tale of a vision, or pretend a tradition which is not, or falsify a record, because these are direct arts of the devil, this is a doing evil for a good end; and every single lie is equally hated by God, and where there is a difference, it is made by complication, or the mixing of something else with the lie: and because God hath created and communicated to mankind, not only sufficient but abundant justifications of whatsoever He hath commanded us to believe, therefore He hates infinitely to have His glorious economy of faith and truth to be disordered and discomposed by the productions of hell. For every lie is of the devil.

§ 7. 2) It is lawful to use an argument *cui potest subesse falsum*, such which I know is not certain, but yet I actually believe it to be true. That is, though the argument be not demonstrative but probable only, yet I may safely use it, if I believe myself to be on the right side of the probability. For a real truth, and a supposed truth, are all one as to the innocence of my purposes. And he that knows how little certainty there is in human discourses, and how we know in part, and prophesy in part, and that of every thing whereof we know a little, we are ignorant in much more, must either be content with such proportions as the things will bear, or as himself can get, or else he must never seek to alter or to persuade any man to be of his opinion. For the greatest part of discourses that are in the whole world, is nothing but a heap of probable inducements, plausibilities, and witty entertainments: and the throng of notices is not unlike the accidents of a battle, in which every man tells a new tale, something that he saw, mingled with a great many things which he saw not, his eyes and his fear joining together equally in the instruction and the illusion, these make up the stories. And in the observation of things there is infinitely more variety than in faces, and in the contingencies of the world. Let ten thousand men read the same books, and they shall all make several uses, draw several notes, and understand them to several effects and purposes. Knowledge is infinite, and out of this infinity every one snatches some things real, and some images of things; and there are so many cognoscitive faculties above and below, and powers ministering to knowledge, and all these have so many ways of being abused or hindered, and of

being imperfect; and the degrees of imperfection, positive, and privative, and negative, are also themselves absolutely so infinite, that to arrive at probabilities in most things is no small progression. But we must be content to make use of that, both for ourselves and others.

§ 8. Upon this account we may quote scriptures to those senses which they can well serve in a question, and in which they are used by learned men, though we suppose the principal intention be of a different thing, so it be not contrary. For all learned men know that in scripture many sayings are full of potential significations, besides what are on the face of the words, or in the heart of the design: and therefore although we may not allege scripture in a sense contrary to what we believe it meant; yet to any thing besides its first meaning, we may, if the analogy will bear it; and if by learned men it be so used, that is in effect, because for aught we know it may be so indeed.

§ 9. 3) If a man suppose his arguments sufficient and competent to persuade, though they be neither fitting to persuade, nor at all sufficient, he may yet lawfully use them. For in this case though himself be deceived, yet because it is upon the strength of those arguments he relies, he can be tied to use no better than he hath: and since his conscience is heartily persuaded, though it be in error, yet that which follows that persuasion is innocent (if it be not mingled with design) though it may be that which went before was not so.

§ 10. 4) In the persuasion of a truth, it is lawful to use such arguments whose strength is wholly made prevailing by the weakness of him that is to be persuaded. Such as are arguments *ad hominem*, that is, proportionable to the doctrines, customs, usages, belief, and credulity of the man. The reasons are these:

α) Because ignorant persons are not capable of such arguments as may demonstrate the question; and he that goes about to draw a child to him, may pull him by the long sleeve of his coat, and need not to hire a yoke of oxen.

β) That which will demonstrate a truth to one person, possibly will never move another. Because our reason does not consist in a mathematical point: and the heart of reason, that vital and most sensible part, in which only it can be conquered fairly, is an ambulatory essence, and not fixed; it wanders up and down like a floating island, or like that which we call the life blood; and it is not often very easy to hit that white by which only our reason is brought to perfect assent: and this needs no other proof but our daily experience, and common notices of things. That which at one time is not regarded, at another time is a prevailing motive; and I have observed that a discourse at one time hath been lightly regarded, or been only pleasing to the ear, which a year or two after hath made great impressions of piety upon the spirit of the hearers. And therefore, that I can

answer the argument, it is not enough to make me think it necessary to lay it aside or to despise it; there may be something in him that hears me, that can make the argument to become perfect and effectual; and the want of that it may be in me, makes me apt to slight it. And besides that some pretended answers are illusions rather than solutions, it may be, that beyond my answer, a wiser man may make a reply, and confirm the argument so as I know not: and therefore if it be truth you persuade, it were altogether as good, and I am sure much more easy, to let the man you persuade enter at the first and broadest gate of the true proposition, than after having passed through a great many turnings and labyrinths, at last come but to the same place where he might first have entered. There are some witty men that can answer any thing; but suppose they could not, yet it would be impossible that men should be tied in all cases to speak nothing but demonstrations.

γ) Some men are to be wrought upon not by direct argument, but by artifices and back blows; they are easy enough to believe the truth, if they could; and therefore you must, to persuade them, remove their prejudices and prepossessions; and to this purpose, it will not be necessary to bring those things which are proper to the question, but things accidental and extrinsical. They who were prejudiced at our blessed Saviour because He was of Galilee, needed no other argument to make them to believe in Him, but to confute that foolish proverb, "Out of Galilee comes no good[p]:" and yet He that from thence thinks the question of His being the Messias sufficiently concluded, is very far from understanding the effect and powers of argument.

δ) The hindrances of belief are seated in several faculties, in our fancy, in our will, in our appetite: now in these cases there is no way to persuade, but by arguing so as to prevail with that faculty. If any man should say that our blessed Saviour is not yet come in the flesh, upon a foolish fancy that he believes not that God would honour such a wicked nation with so great a glory, as that the Saviour of the world should be born of them; he needs no argument to persuade him to be a Christian, but by having it proved to him, that it was not only likely, but really so, and necessary it should be so, not only for the verification of the prophecies of Him, but for divers congruities in the nature and circumstances of things. Here the argument is to confute the fancy only, not the reason.

ε) Sometimes the judgment is right, but the affections are perverse; and then, not demonstrations, but popular arguments are not only lawful, but useful, and sufficient. For reasons of abstracted speculation move not the lower man. Make the people in love with your proposition, and cause them to hate the contrary, and you have done all that they are capable of. When some divines in Germany were forced for their own defence to gain the people to their party,

[p] [John i. 46; vii. 52.]

they disputed against the absolute decree of reprobation, by telling them that their adversaries' doctrine did teach that God did drag the pretty children from their mothers' breasts, and throw many of them into the eternal portion of devils: this moved the women, who follow reason as far as they can be made in love with it, and their understanding is oftentimes more in their heart than in their head. And there are thousands of people, men and women, who believe upon no other account than this, neither can they be taught otherwise. When S. Paul would persuade the Jews to reason, and from laying violent hands upon him; he was not to attempt it by offering undeniably to prove that he did well by going to the gentiles, since God had rejected the Jews, excepting a remnant only: but he persuaded them by telling them he did nothing against the law of Moses and the temple.

ζ) There are some fondnesses and strange adherencies to trifles in most people, humours of the nation, love of the advantage of their families, relations to sects or dignities, natural sympathies and antipathies, in a correspondency to which all those arguments which are dressed, are like to prevail, and cannot otherwise do it. For when a man's understanding is mingled with interest, his arguments must have something of this, or else they will never stir that: and therefore all our arguments cannot be freed from such allays.

η) In all the discourses of men, not only orators, but philosophers, and even in their severest discourses, all the good and all the wise men of the world heap together many arguments, who yet cannot suppose them all certain; but yet they therefore innocently use them, because as there are several capacities of men to be dealt withal; so there are several notices of things; and that may be highly concluding, which it may be is not well represented, and therefore not fancied or observed by him that uses it; and to another it becomes effective because he does.

θ) The holy Spirit of God himself in His entercourses with men is pleased to descend to our capacities, and to use arguments taken from our own principles, and which prevail more by silencing us, rather than demonstrating the thing. Thus S. Paul in his arguments for the resurrection uses this; "If Christ be not risen, then is our preaching vain, and your faith is also vain[q]." There are some, even too many now-a-days, and many more then, who would have granted both the antecedent and the consequent; but because the Corinthians disavowed the consequent, they were forced to admit the antecedent. And at last, thousands of persons could never be drawn from their error, if we might not make use of arguments, weak like their capacities, and more proportionable to their understanding than to the question.

There are two cautions to be added to make the rule perfect:

[q] [1 Cor. xv. 14.]

1) That if the disciple relying upon his master's authority more than his own ability to judge, ask the doctor, whether upon his knowledge and faith that argument does evict the question; if the doctor himself does not believe it, he must then put no more force upon it by his affirmation and authority than he thinks it does in nature bear; but must give prudent accounts of the whole question in compliance to the present necessity of the demander.

Of the same consideration it is, when a question being disputed between two parties, the standers by expect the truest and most proper account of things. In this case, all openness and ingenuity is to be used according to our own sense of things, not according to what may comply with any man's weakness; and the not doing so is want of ingenuity, and the worthiness of christian charity, and a perfect deceiving them who expect and desire such things as ought to be finally relied upon.

2) In all arguments which are to prevail by the weakness or advantages taken from the man, he that goes about to persuade, must not say any thing that he knows to be false; but he must comply and twist about the man's weakness, so as to be innocent all the way. Let him take him that is weak and wrap him in swaddling clothes, but not encompass him with snakes. But yet this hath one loose and permission that may be used.

§ 11. 3) It is lawful for a man in persuading another to a truth, to make use of a false proposition, which he that is to be persuaded already doth believe: that is, a man may justly dispute upon the supposition, not upon the concession and granting of an error. Thus S. Paul disputed with the Corinthians[s], and to induce them into a belief of the resurrection, made use of a foolish custom among them in use, of being baptized for the dead. For the christian church hath but two sacraments, baptism and the Lord's supper; at the beginning some of the Christians used baptism, and in succeeding ages they used to celebrate the Lord's supper for the dead, and do to this day in the church of Rome. Upon this fond custom of theirs S. Paul thus argues[t], If there be no resurrection, then it is to no purpose that you are baptized for the dead; but that is to purpose, as you suppose; therefore there is a resurrection.—Thus prayer for the dead, and invocation of saints, according to the principles taught in the primitive church, might have been made use of against each other. If all men are imperfect till the day of judgment, and till then enter not into heaven, then you cannot with confidence make prayers to them, who for aught you know, need your help more: but if all that die well, that is, if all that die in the Lord do instantly enjoy the beatifical vision, and so are in a condition to be prayed to, then they need not to be prayed for. As for the middle place, they in those ages knew no such thing as men have since dreamed of. As God in some cases makes use of a prepared wickedness, though

[s] [ver. 29.] [t] [Compare vol. v. p. 309.]

He infers none, much less does He make any to be necessary and unavoidable; so may good men and wise make use of a prepared error, a falsehood already believed; but they must neither teach, nor betray any one into it.

The objections mentioned in the state of this question, are already answered in the stating the propositions.

But now arises another question, and the solution will follow upon the same grounds.

Quest.

§ 12. Whether it be lawful for a good end for preachers to affright men with panic terrors, and to create fears that have no ground; as to tell them if they be liars, their faces will be deformed; if they be perjured, the devil will haunt them in visible shapes; if they be sacrilegious, they shall have the leprosy; or any thing whereby weak and ignorant people can be most wrought upon.

I answer briefly:

§ 13. There are terrors enough in the New testament to affright any man from his sins, who can be wrought upon by fear: and if all that Moses and the prophets say, and all that Christ and His apostles published be not sufficient, then nothing can be. For I am sure nothing can be a greater or more formidable evil than hell; and no terrors can bring greater affrightment than those which are the proper portion of the damned. But the measures of the permission and liberty that can be used, are these:

§ 14. 1) A preacher or governor may affright those that are under them, and deter them from sin, by threatening them with any thing which probably may happen. So he may denounce a curse upon the estate of sacrilegious persons, robbers of churches, oppressors of priests, and widows, and orphans; and particularly, whatsoever the widow or orphan in the bitterness of their souls do pray may happen upon such evil persons; or what the church in the instruments of donation have expressed: as, to die childless; to be afflicted with the gout; to have an ambulatory life, the fortune of a penny, since for that he forsakes God and his religion; a distracted mind or fancy, or any thing of this nature. For since the curses of this life and of the other are indefinitely threatened to all sinners, and some particularly to certain sins, as want is to the detainers of tithes, a wandering fortune to church robbers [u]; it is not unreasonable, and therefore it is lawful to make use of such particulars as are most likely to be effective upon the consciences of sinners.

§ 15. 2) It is lawful to affright men with the threatening of any thing that is possible to happen in the ordinary effects of providence. For every sin is against an infinite God, and His anger is sometimes the greatest, and can produce what evil He please; and He uses to

[u] [Malachi iii. 8, &c.; Psalm lxxxiii. 12.]

arm all His creatures against sinners, and sometimes strikes a stroke with His own hand, and creates a prodigy of example to perpetuate a fear upon men to all ages.

But this is to be admitted with these cautions:

α) It must be done so as to be limited within those ways which need not suppose a miracle to have them effected. Thus to threaten a sinner in England, that if he profanes the holy sacrament a tiger shall meet him in the churchyard and tear him, is so improbable and unreasonable, that it is therefore not to be done, lest the authority, and the counsel, and the threatening become ridiculous: but we have warrant to threaten him with diseases, and sharp sicknesses, and temporal death; and the warrant is derived from a precedent in scripture, God's dealing with the Corinthian communicants [v].

β) He who thus intends to dissuade, must in prudence be careful that he be not too decretory and determinate in the particular; but either wholly instance in general threatenings, or with exceptive and cautious terms in the particular; as, take heed lest such an evil happen: or, it is likely it may, and we have no security for a minute against it; and so God hath done to others.

γ) Let these be only threatenings, not prophecies, lest the whole dispensation become contemptible; and therefore let all such threatenings be understood with a provision, that if such things do not happen, the man hath not escaped God's anger, but is reserved for worse. God walketh upon the face of the waters, and His footsteps are not seen; but however, evil is the portion of the sinner.

§ 16. 3) In all those threatenings which are according to the analogy of the gospel, or the state of things and persons with which we have entercourse, we may take all that liberty that can by apt instruments concur to the work of God; dressing them with circumstances of terror and affrightment, and representing spiritual events by metaphors, apologues, and instances of nature. Thus our blessed Lord expressing the torments of hell, signifies the greatness of them by such things which in nature are most terrible; as brimstone and fire, the worm of conscience, weeping and wailing, and gnashing of teeth. But this I say must ever be kept within the limits of analogy to what is revealed, and must not make excursions to extra-regular and ridiculous significations. Such as is the fancy of some divines in the Roman church, and particularly of Cornelius a Lapide [x], that the souls of the damned shall be rolled up in bundles like a heap and involved circles of snakes, and in hell shall sink down like a stone into the bottomless pit, falling still downward for ever and ever. This is not well; but let the expressions be according to the proportions of what is revealed. The divines in several ages have taken great liberty in this affair, which I know no reason to reprove, if some of their tragical expressions did not, or were not apt to pass

[v] [1 Cor. xi. 30.]

[x] In Apocal. [vid. in cap. xiv. p. 240.]

into dogmatical affirmatives, and opinions of reality in such inventions.

§ 17. 4) If any extra-regular example hath ever happened, that may be made use of to affright men from the same or the like sins, and so pass into a regular warning. Thus, though it but once happened, that God punished rebellion by causing the earth to open and swallow up the rebels against their prince and priest, Moses and Aaron, that is, it is but once recorded in holy scripture; yet God hath the same power now, and the same anger against rebellion; and as He can, so we are not sure that He will not oftentimes do the same. Whatsoever hath happened and can happen, we ought to fear lest in the like cases it should happen. And therefore this is a proper instrument of a just fear, and apt rightly to minister to a sure and a right conscience.

§ 18. 5) If any prodigy of accident and judgment hath happened, though it be possible it may be done for the manifestation of the divine glory, yet because it is ten thousand to one, but it is because of sin too; this may be made use of to affright sinners, although there be no indication for what sin that judgment happened. Thus the ruin of the Greek monarchy finished upon the day of pentecost[y]: the fearful and prodigious swallowing up the cities of the Colossians and Laodiceans[z]; the burning towns and villages by eruption of fire from mountains; the sudden cataracts of water breaking from the Indian hills; the sudden deaths and madness of many people; the horrible ruin and desolation of families and kingdoms, may be indifferently used and propounded to all sorts of persons, where there is need of such violent courses: and provided that they be charitably and prudently applied, may effect fear and caution in some sinners, who otherwise would be too ready for gaieties and unsafe liberties.

§ 19. 6) To children and fools, and all those whose understanding is but a little better, it hath been in all ages practised, that they be affrighted with mormos and bugbears, that they may be cozened into good. But this is therefore permitted, because other things which are real, certain, or probable, cannot be understood or perceived by them: and therefore these things are not to be permitted, where it can well be otherwise. If it cannot, it is fit that their understandings should be conducted thither where they ought to go, and by such instruments as can be useful.

[y] [So vol. ii. p. 588.—Obsessa videtur (Constantinopolis) postridie pascha, capta in die pentecostes; sed periculosum est hæc definire.—Scaliger, de emend. temp., p. 530. For the history and authorities, see Gibbon, chap. lxviii.]

[z] [Oros. Hist., lib. vii. cap. 7 p. 473.]

RULE VII.

A CONSCIENCE DETERMINED BY THE COUNSEL OF WISE MEN, EVEN AGAINST ITS OWN INCLINATIONS, MAY BE SURE AND RIGHT.

For in many cases the counsel of wise men is the best argument; and if the conscience was first inclined by a weaker, every change to a better is a degree of certainty. In this case, to persist in the first inclination of conscience, is obstinacy, not constancy: but on the other side, to change our first persuasion when it is well built, for the counsel of men of another persuasion, though wiser than ourselves, is levity, not humility. This rule is practicable only in such cases where the conscience observes the weakness of its first inducement, or justly suspects it, and hath not reason so much to suspect the sentence of wiser men. How it is further to be reduced to practice, is more properly to be considered in the third chapter, and thither I refer it.

RULE VIII.

HE THAT SINS AGAINST A RIGHT AND A SURE CONSCIENCE, WHATEVER THE INSTANCE BE, COMMITS A GREAT SIN, BUT NOT A DOUBLE ONE.

§ 1. His sin is indeed the greater, because it is less excusable and more bold. For the more light there is in a regular understanding, the more malice there is in an irregular will. "If I had not come to them," said Christ, "they had not had sin; but now have they no cover for their sin[a]:" that is, because they are sufficiently taught their duty. It is not an aggravation of sin, barely to say, it was done against our conscience: for all sins are so, either directly or indirectly, mediately or immediately, in the principle or in the emanation. But thus, the more sure and confident the conscience is, the sin receives the greater degree. It is an aggravation of it, that it was done against a clear light, and a full understanding, and a perfect, contrary determination.

§ 2. But even then it does not make it to be a distinct sin. "Whatsoever is not of faith is sin[b]," said the apostle, but he did not say it was two. It is a transcendant passing upon every sinful action, that it is against a known law, and a contrary reason and persuasion; but if this could make the act to be doubly irregular, by

[a] [John xv. 22.] [b] [Rom. xiv. 23.]

the same reason, every substance must be two, viz., by having a being, and a substantial being. And the proper reason of this is, because the conscience obliges and ties us by the band of the commandment, the same individual band, and no other. The conscience is therefore against the act, because the commandment is against it; the conscience being God's remembrancer, the record, and the register of the law. A thief does not sin against the law and the judge severally; neither does the magistrate punish him one way, and the law another. The conscience hath no law of its own, but the law of God is the rule of it: therefore where there is but one obligation to the duty, there can be but one deformity in the prevarication. But,

§ 3. In sins where there is a double formality, there indeed in one action there may be two sins, because there is a double law: as he that kills his father sins twice, he is impious and unjust; he breaks the laws of piety and justice; he sins against the fifth and the sixth commandments at once; he is a murderer, and he is ungrateful, and he is impious. But in sins of a single nature there is but a single relation: for the conscience and the law is the rule and the parchment; and he that sins against the one, therefore also sins against the other, because they both terminate but one relation.

§ 4. But although he does not commit two sins, yet he commits one great one, there being nothing that can render an action culpable or imputable in the measures of justice, but its being a deviation from, or a contradiction to the rule. It is against my conscience, that is, against my illuminated and instructed reason, therefore it is a sin: this is a demonstration, because it is against God, and against myself; against my reason, and His illumination; and that is, against all bands divine and human.

Quest.

§ 5. But then what shall a judge do, who knows the witnesses in a criminal cause to have sworn falsely. The case is this: Conopus a Spartan judge, walking abroad near the gardens of Onesicritus, espies him killing of his slave Asotus; who to palliate the fact, himself accuses another of his servants, Orgilus, and compelled some to swear it as he affirmed. The process was made, advocates entertained by Onesicritus, and the poor Orgilus convict by testimony and legal proof. Conopus the judge knows the whole process to be injurious, but knows not what to do, because he remembers that he is bound to judge according to allegation and proof, and yet to do justice and judgment, which in this case is impossible. He therefore enquires for an expedient, or a peremptory resolution on either hand: since he offends against the laws of Sparta, the order of law and his own life, if he acquits one who is legally convicted; and yet if he condemns him whom he knows to be innocent, he sins against God, and nature, and against his own conscience.

§ 6. That a judge not only may, but is obliged to proceed

according to the process of law, and not to his own private conscience, is confidently affirmed by Aquinas, by his master, and by his scholars, and of late defended earnestly by Didacus Covaruvias, a learned man indeed and a great lawyer; and they do it upon this account:

§ 7. 1) For there is a double person or capacity in a judge. He is a private person, and hath special obligations and duties incumbent upon him in that capacity; and his conscience hath a proper information, and gives him laws, and hath no superior but God: and as he is such an one, he must proceed upon the notices and persuasions of his conscience, guided by its own measures. But as he is a judge, he is to do the office of a judge, and to receive information by witnesses and solemnities of law, and is not to bring his own private conscience to become the public measure. Not Attilius Regulus, but the consul must give sentence: and since he is bound to receive his information from witnesses, as they prove, so the law presumes; whose minister because he is, if there be any fault, it is in the law, not in the judge, and in this case the judge does not go against his conscience, because by oath he is bound to go according to law. He indeed goes against his private knowledge; but that does not give law to a judge, whose knowledge is to be guided by other instruments. 2) And it is here as in case of execution of sentences, which is another ministry of law. *Ordinarius tenetur obsequi delegato, et si sciat sententiam illam injustam, exsequi nihilominus tenetur eandem:* said Innocentius the third[c]: the executioner is not to refuse his office, though he know the judge to have condemned an innocent, for else he might be his judge's judge, and that not for himself alone, but also for the public interest. For if an executioner upon his persuasion that the judge did proceed unjustly against the life of an innocent, shall refuse to put him to death, he judges the sentence of the judge over again, and declares publicly against it, and denies to the commonwealth the effect of his duty: so does a judge, if he acquits him whom the law condemns, upon the account of his private knowledge. 3) It is like speaking oracles against public authority from a private spirit. 4) Which thing if it were permitted, the whole order and frame of judicatures would be altered, and a door opened for a private and an arbitrary proceeding: and the judge if he were not just, might defame all witnesses, and acquit any criminal, and transfer the fault to an innocent and unsuspected, and so really do that which he but pretends to avoid. 5) And the case would be the same, if he were a man confident and opinionative. For he might seem to himself to be as sure of his own reason, as of his own sense, and his conscience might be as effectively determined by his argument as by his eyes; and then by the same reason he might think himself bound to judge against

[c] Cap. 'Pastoralis.' § 'Quia vero.' De officio et potestate judicis delegati. [Greg ix. Decret., lib. i. tit. 29. cap. 28. col. 342.]

the sentence of the law according to his own persuasion, as to judge against the forms of law, and proceedings of the court according to his own sense. 6) And therefore not only in civil but in the ecclesiastical courts we find it practised otherwise: and a priest may not refuse to communicate him whom he knows to have been absolved upon a false allegation, and unworthily; but must administer sacraments to him according to the public voice, not to his own private notice: for it would be intolerable, if that which is just in public should be rescinded by a private pretence, whether materially just or no; not only because there are other measures of the public and private, and that to have that overborne by this would destroy all government; but because if this private pretence be admitted, it may as well be falsely as truly pretended. And therefore since real justice by this means cannot be secured, and that unless it were, nothing could make amends for the public disorder, it follows that the public order must be kept, and the private notice laid aside. 7) For the judge lays aside the affections of a man, when he goes to the seat of judgment, and he lays aside his own reason, and submits to the reason of the law; and his own will, relinquishing that to satisfy the law: and therefore he must bring nothing of a private man with him, but his own abilities fitted for the public. 8) And let no man in this case pretend to a zeal for truth and righteousness; for since in judicatures, legal or seeming truth is all that can be secured, and with this the laws are satisfied, we are sure we may proceed upon the testimony of concurring witnesses, because they do speak legal truth, and that being a proportionable conduct to legal persons, is a perfect rule for the conscience of a judge; according to the words of our blessed Saviour quoted out of Moses' law [d], "it is written in your law, the testimony of two men is true," that is, it is to be accepted as if it were true, and proceedings are to be accordingly. In pursuance and verification of this are those words of S. Ambrose, *Bonus judex nihil ex arbitrio suo facit, et domesticæ proposito voluntatis, sed juxta leges et jura pronunciat, scitis juris obtemperat, non indulget propriæ voluntati, nihil paratum et meditatum domo defert, sed sicut audit, ita judicat* [e]; 'a good judge does nothing of his will, or the purpose of his private choice, but pronounces according to laws and public right, he obeys the sanctions of the law, giving no way to his own will, he brings nothing from home prepared and deliberated, but as he hears, so he judges.' This testimony is of the more value, because S. Ambrose had been a judge and a ruler himself in civil affairs, and therefore spake according to the sense of those excellent laws, which almost all the civil world have since admitted. 9) And the thing is confessed in the parallel cases. For a judge may not proceed upon the evidence of an instrument which he hath privately perused, if it be not produced in court, though he by that could be enabled to do justice to the oppressed party; for

[d] [John viii. 17.] [e] In psalm. cxviii. [Serm. 20.—tom. i. col. 1231 E.]

he does not know it as a judge, but as a private man; and though that be a distinction without a real difference of subject, yet in effect it means, that the laws do not permit a judge to take notice of any private information, which might prove an inlet to all manner of violence and robbery. 10) And therefore if a priest hearing the confession of Caius, understands that Titius was the complice of Caius his crime, he may not refuse to absolve Titius, though he do not confess the fact in which he took part with Caius; because he is to proceed by the method of that court where he sits judge. For private and personal notice is not sufficient. 11) And if I do privately know that my neighbour is excommunicate, I am not bound to refuse him my society till I know it legally; and therefore much less may a judge do a public act upon private notice, when we may not do even a private act referring to law without a public notice. 12) And all this is confirmed by the authority of Ulpian[f], *Veritas rerum erroribus gestarum non vitiatur, et ideo præses provinciæ id sequatur quod convenit eum ex fide eorum quæ probabuntur:* 'the truth of things is not prejudiced by errors in matters of fact; and therefore let the president of the province follow that which is fitting for him, proceeding by the faith of those things which shall be proved.' 13) For since no man must judge by his own private authority, he must not judge by his own private knowledge. 14) And to what purpose shall he call in witnesses to give him public information, if when they have done so, he by his private may reject the public?

§ 8. But if after all this you enquire what shall become of the judge as a man, and what of his private conscience? these men answer, that the judge must use what ingenious and fair artifices he can to save the innocent, or to do justice according to truth, but yet so as he may not prevaricate the duty of a judge: he may use the prudence of a friend and a private man: let him by various and witty interrogatories, in which he may be helped by the advantage of his private knowing the secret, make ways to entrap the false witnesses, as Daniel did to the two elders in the case of Susanna: or let him refer the cause to the supreme power, or resign his office, or make a deputation to another, or reprieve the injured man, or leave a private way for him to escape, or use his power of interpretation, or find some way to elude the unjust hand of justice, which in this case does him wrong by doing right. But if none of these ways, nor any other like them can preserve the innocent man, or the judge's private conscience, he must do justice according to law, standing upright as a public person, but not stooping to particulars, or twisting himself by his private notices.

§ 9. This is the sum of what is or can be said in this opinion;

[f] L. 'Illicitas.' § 'Veritas.' [Digest., lib. i. tit. 18. § 6, Gothofred. Corp. Jur. civil., col. 31.]

and though they speak probably and well, yet I answer otherwise, and I suppose, for reasons very considerable. Therefore,

To the question I answer, that a judge in this case may not do any public act against his private conscience; he may not condemn an innocent whom he knows to be so, though he be proved criminal by false witnesses. And my reasons are these:

§ 10. 1) *Innocentem et justum non occides*[e], said God; to slay an innocent person is absolutely and indispensably evil. Upon which ground I argue: that which is in its own nature essentially and absolutely evil, may not be done for any good, for any pretence, for any necessity, nor by any command of man. Since therefore in the present case the man is supposed innocent, he ought not to be delivered to death for any end in the world, nor by any authority, much less for the preservation of the forms of courts, or to prevent a possible evil that may accidentally and by abuse arise; especially since the question here is not matter of prudence or policy, but of justice and conscience; nor yet of the public interest, but of the judge's duty; nor at all, what the laws actually do constitute and appoint, but what the judge may really practise. Now, in all cases, if a man dies, it must be by the merit of the cause, or for some public end. The first is not supposed in this question, because the man is supposed innocent; and if the latter be pretended, it is an open profession of doing evil that good may come of it. And if it be answered, that this is true, if the man did appear to be innocent, but in law he appears otherwise: I reply, that it is true, to the law he does so, but not to the judge; and therefore though the law can condemn him, yet she cannot do it by that judge. He must not do it, because it being by an unavoidable defect or error that the law may do it, and if the law could be rightly informed, she would not, she could not do it, it follows that the judge who is rightly informed can no more do it than the law itself, if she had the same information.

§ 11. 2) To judge according to forms and processes of law, is but of human positive right and constitution; for the law may command a judge to proceed according to his own knowledge, if she will trust him and his knowledge: and in all arbitrary courts it is so; and in the supreme power it is always so, if it be absolute. But not to condemn the innocent, is of divine and eternal right, and therefore cannot be prejudiced by that which only is human. And indeed if we look into the nature and causes of things, we shall find, that the reason why judges are tied to forms and processes of laws, to testimonies and judicial proofs, is, because the judge is supposed not to know the matters brought before him, till they appear in the forms of law. For if a judge did know men's hearts, and the secrets of things and causes, supposing him to be honest, he were the fittest person in the world to be a judge, and can proceed summarily, and needs no witnesses. But this is the way of the divine judgment,

[e] [Exod. xxiii. 7.]

who proceeds upon His own knowledge, though for the declaration of His justice to men, He sometimes seems to use processes, and measures of human enquiry; as in the case of Sodom, and the like. And in proportion, if God should reveal to a judge the truth of every cause that lies before him, I think no man doubts, but he might safely proceed to judgment upon that account. This was the case of Daniel and Susanna. For she was convicted and proved guilty by concurrent witnesses; God revealed the truth to Daniel, and he arrested judgment upon that account. Upon examination of the witnesses he finds them disagree in the circumstances; but this was no legal conviction of their falsehood in the main; but it was therefore sufficient, because Daniel came in the manner of a prophet, and knew the truth from God, not by forms of law. Now it matters not (as to the justice of the proceeding) which way the truth be known; for the way of receiving it is but extrinsical to the main question: and as Daniel being made judge by God, might not have consented to the death of Susanna, though not only the two elders, but ten more had sworn that they had seen Susanna sin: so neither can a judge, to whom God by some special act of providence in behalf of truth and innocence hath made known the matter, proceed to sentence against that knowledge, which he by divine dispensation hath received.

§ 12. 3) If a king or senate, or any supreme power receive testimony of a matter of fact concerning any of their council, whom they know to be innocent; as if it be legally proved that Sempronius robbed a man upon the kalends of March, a hundred miles from the place where the king or senate saw him sitting all that day; that they may not deliver him to death appears therefore because they being accountable to none but God, must judge by His measures, that is, so as to preserve the innocent, and not by those measures which men's necessity, and imperfection, and weaknesses have made regularly necessary. But that which is regularly necessary, may irregularly and by accident in some cases be unjust, and in those the supreme power must make provisions where it can, and it can when it knows the truth of the particular. For since the legislative power can dispense in the administration of its own laws upon particular necessities or charity, upon the affirmation and petition of him that needs it: much more must it dispense with the forms of proceedings in a case of such necessity, and justice, and charity, and that upon their own knowledges. The affirmation of the argument is, that princes and senates may, and must do this; that it is necessary, and therefore also just in them to do so. The consequent of the argument is this: that therefore if private judges may not do so, it is because they have no authority to do so, but are compelled by their princes to proceed by forms: and if this be all, it declares the necessity of such proceedings to be only upon man's authority; and so, though by law he may be bound to do so, yet our enquiry being

what he is tied to do in conscience, the law cannot prevail above conscience, the subordinate above the superior, there being in this case, a knowledge of the fact, and the law of God for the right.

§ 13. 4) For the case is this: God says, thou shalt not slay the innocent, and the judge does certainly know that the accused man is truly innocent: the conclusion is, therefore this man must not die. Against this, the argument opposed is this: human authority says, thou shalt slay him that is convicted of a fault, whether by true or false witnesses: here are witnesses which do convict him, and I know them to be false. The conclusion is, therefore this man must die. Which of these two arguments ought to prevail, I think needs not much enquiry.

§ 14. 5) And what if Titius be accused for killing Regulus, whom the consul at that time hath living in his house, or hath lately sent abroad; would not all the world hoot at him, if he should deliver Titius to the tormentors for killing the man whom the judge knows to be at home, it may be dressing of his dinner, or abroad gathering his rents? But if this be so absurd (as it is indeed extremely), it follows that he may use his private knowledge against a false testimony that is public. Or how if he sees the fact done before him in the court? a purse cut, or a stone thrown at his brother judge, as it happened at Ludlow [h] not many years since? The judge proceeded to sentence upon intuition of the fact, and stayed not for the solemnities of law. Or put case that there be depositions offered on both sides, for and against the innocent, either directly or indirectly. If in this case the judge's private knowledge may determine for either, it follows that his private knowledge can be admitted as the instrument of justice; and if it may, it must: for nothing can hinder him to do it, but because he may not. But that he may, appears in the now alleged instances.

§ 15. 6) S. Adrianus[i] puts another case, in which it is also without contradiction evident that private notice is to be preferred before public solemnity where there is an error in this and none in that. The case I choose to express in this narrative. Viretta, a naughty woman, pretends to be wife to Coloro, an Italian gentleman, and brings a priest and witnesses whom she had suborned, to prove the marriage. The judge gives sentence for Viretta, and commands Coloro to pay the duties of a husband to her, and to use her as a wife. He knows the contrary, and that he is husband to Vittoria Morisini, and therefore pays her all his duty, and neglects the other; and he is bound

[h] [The judge alluded to was Chief Justice Richardson, but the scene of the outrage Salisbury, as appears from the following marginal note in Sir James Dyer's Reports, fol. 188. b, (ed. fol. Lond. 1688), which is given verbatim:

"Richardson C. J. de C. Banc. al Assizes at Salisbury in Summer 1631 fuit assault per prisoner la condemne pur felony: que puis son condemnation ject un Brickbat a le dit Justice, que narrowly mist, et pur ceo immediately fuit Indictment drawn per Noy envers le prisoner, et son dexter manus ampute et fix al Gibbet, sur que luy mesme immediatement hange in presence de Court."]

[i] [Hadrian. Pap. VI. Quæst. quodlib. i. art. 3. fol. 4. a, ed. fol. Par. 1527.]

to it, because no man's error or malice can alter the laws of God, and from paying that duty which he knows is due by the laws of God, he cannot be excused by any formal error arising in the administration of the laws of man. The same is the judge's case. For if the law commands him to do an act against a known private duty, he is so to follow the duty he knows he owes to God in preserving the innocent, as Coloro is bound to preserve his duty to his wife, and the judge may no more commit murder than Coloro may commit adultery; but neither of them can be rescued but by their private conscience, therefore they may use that. And there is no escape in this instance, because the subject is as much bound to submit to the sentence of the law, as the judge is to the forms of it; and that which secures one, secures both.

§ 16. 7) The evils that may be consequent to the strict adherence to the forms and proofs of law against the judge's conscience may be so great as to be intolerable, and much greater than can be supposed to be consequent to the following a certain unsolemn truth. And there is no man, but put the case so as himself and his party may be involved in ruin by false witness, and he will grant that himself is by all means to be preserved. Put case a whole order of the clergy, of monks, of lawyers, should be accused falsely and oppressed by evil men, as the knights templars were accused fiercely, and so were the religious in Henry the eighth's time. If the king had known that the monks, and the pope had known that the templars had been innocent, no man ought to have persuaded them to condemn the guiltless. For if the king had proceeded against them to confiscation, making use of his advantage gotten by the sin of vile men, the effect had been, that he would rather have gotten money by a lie, than have done justice to the oppressed according to his conscience. And indeed because it is not to be supposed but all the world would have given sentence for themselves in their own case, it is to be supposed that the contrary opinion is but the sentence of men in prosperity, or of unexperienced scholars, who care not what load they put upon others to verify their own opinion. And what Christian will not condemn Pilate for condemning the most holy Jesus, according to the testimonies of His false accusers, and against his own conscience? And let the case be put, that the witnesses had agreed, and proved foul things against the unspotted Lamb of God, and made all clear in forms of law, and that Pilate had known the Lord to be innocent and injured, could the water in the basin have washed him clean, if he had against his conscience in compliance with the solemn perjurers have condemned Him who was purer than the angels? In this case the effect had been intolerable, for which no pretence of necessity or legal formalities could have made recompense.

§ 17. 8) A law founded upon presumption binds not in the court of conscience, when the presumption is found to be an error. The law presumes that the heir entering upon an estate, if he makes not

an inventory, does it to conceal the goods and defraud the creditors. But if an heir does so by negligence or ignorance, or an impertinent fear, or upon ill counsel, or be betrayed to do so; if the creditor knows that the goods are not sufficient, he may not in conscience take the advantage the law gives him, but is bound to do charity and justice by the measures of his private knowledge, and not by the measures of the law to do violence and oppression, which was the thing in question.

§ 18. 9) To the verification of the sentence of death upon an accused person there are required, α) A reality of the crime. β) A power in the judge. γ) And equity in the law. Now if divers men should swear that the judge hath a competent power, nay though they threaten him with death if he does not, yet he may not exercise any such power, which himself privately knows that he hath not. So also if he knows the fact does not deserve death, though men swear it, or a higher power declare it, or another competent judge affirm it, yet a judge must not consent to it if himself knows it to be unjust. And I have read of an excellent prince [i], who because he did consent to the forms and processes of law made by his senate against the bravest of his subjects, against his own conscience and knowledge, repented of it all the days of his life, and was not pardoned for it till the day of his death; and the first confidence he had of pardon was upon the account of S. Paul's words, 'he that is dead is justified from sins [j].' But then, since the defect of either of these two makes it unlawful for a judge to proceed according to the forms of law, and ties him to follow his conscience even against allegation and proof, much more must it be so if there be no reality of fact in the accused party; because in the destitution of this, the laws themselves have no power, and therefore they can give none to a judge their minister. *Justis lex non est posita* [k]; 'the law was not made for the innocent,' but to defend them; and therefore hath no power to destroy them; and then the judge can have none, and so cannot in that case be tied to proceed according to formalities, and therefore must proceed according to his conscience, or not at all. For,

§ 19. 10) If a law were made that a judge should be bound to condemn an innocent person, though he knows him to be so, and to be accused by calumny and supplanted by perjury, it were an unjust law, as all men (that I know of) grant, and indeed must grant. For it were a law made to encourage perjurers and oppressors, to discourage innocence: a law made against the intention of laws, which is, to defend the right, and punish the wrong doer: it were a law disabling the judge to rescue the oppressed, and a law expressly disowning the cause of the afflicted: and if any judge should undertake his office upon such terms, he should openly profess that if the case happened, he would do against his conscience. And all laws going the best way they can to find out truth, would never disable a

[i] [See vol. iv. p. 268.] [j] [Rom. vi. 7.] [k] [1 Tim. i. 9.]

judge to make use of it when he had found it out, and assisted the enquiry of the laws by a fortunate discovery. For the examining of witnesses being but a means to find out truth, cannot possibly be so adhered to, as to be preferred before the end to which it is designed, that were as if a man should rather love to seek than find. Since therefore no law ever was, or can be so unreasonable as to decree that a judge shall not in such a case directly relieve the innocent, but proceed to his condemnation, it follows that he can have no obligation to do so, and then the obligation of his conscience can upon no pretence be declined. The law does not intend to oblige the judge in that case, because no law can be made expressly to do so; he therefore being free from the law in that case, stands bound to his private conscience, without excuse. Nay, the canon law expressly enjoins that a judge should give sentence according to his own conscience, as appears in *C.* i. *De re judic. in* 6 [l], *et in Clem.* i. §. *' Verum,' De hæret.* [m]

§ 20. 11) Suppose a judge should suborn false witnesses against an innocent; either he is bound not to proceed according to allegation and proof, but according to his secret conscience, or else he is bound to go on in his crime, and effect that which he had maliciously designed. For it is not enough that he is bound to disengage the witnesses and take off the subornation: for suppose the persons already appearing will not cease, lest they should be shamed and ruined, but will take confidence from their crime, and perseverance from their publication, then there is no remedy for the innocent, neither can the judge rescue him from himself, nor give over sinning, unless he proceed by his private certain measures, and not by those which are false and public. For to say he may be sorry for his fault and yet proceed in it, is to make him a hypocrite: if he confesses that he suborned the witnesses, and yet proceed to condemn the innocent, he is ridiculous, and makes the law put on the face of tyranny and unreasonable violence and oppression. So that either he must go on and sin to the end without remedy, or he must be admitted to proceed by his private conscience, and that in his case would be justice and penitence besides.

§ 21. 12) Lastly, all laws being intended for the good of the subjects, are bound not only to comply with their ordinary cases by ordinary provisions, but for their accidental needs by the extraordinary. And so we find it, that all laws yield in particulars, when the law is injurious in the special cases, and this is the ground of all chancery, because *summum jus, summa injuria;* and Solomon advised well, *Noli esse justus nimium,* ' be not over righteous [n];' and the justice of God being ἐπιείκεια, gentleness and favour, equity and mercy, ours is best when we follow the best precedent; now since no case is more favourable than the present, the laws are unjust that will not

[l] [Lib. Sext. Decretal., lib. ii. tit. 14. cap. i. col. 335.]

[m] [Clem., lib. v. tit. 3. cap. i. col. 251.]

[n] [Eccles. vii. 16.]

bend and stoop to the miseries of the oppressed; and therefore the judge having no hindrance, he is tied by a double band to relieve the oppressed innocent, by his direct sentence (where it can be admitted) or by his open declaration, and *quantum in se est*, but at no hand to consent to his condemnation.

§ 22. I conclude therefore with that rule of the canon law, *Utilius scandalum nasci permittitur quam veritas relinquatur*[o]; 'It is better that a scandal should be suffered, and an offence done to the forms and methods of judicial proceedings, than that truth should be betrayed and forsaken;' and what was said in the prophecy[p] concerning our blessed Saviour, *Non secundum auditum aurium arguet*, 'he shall not reprove according as he hears,' but according as he knows, is also true of judges in this case; they do judge most perfectly when in truth and in defence of the innocent they follow the pattern of the divine judgment, and not the imperfection of the human; that is, they are to judge by the eyes, not by the ears:

> Segnius irritant animos demissa per aures
> Quam quæ sunt oculis commissa fidelibus[q].——

That is a sure sentence that can rely upon ocular demonstration; for our eyes are a better guard of innocence than the tongues of sycophants, and our consciences are surer informers than the forms of law; and since no law hath declared against it, the conscience is at perfect liberty; and yet if it were not, we are certain it is better to obey God than men; the conscience is no man's servant, it is God's only. Conscience is God's angel: "Grieve not the angel, lest he smite thee, do nothing against him, lest he forsake thee[r]." *Viro bono fixum in omni vita est, transversum unguem a recta conscientia non discedere*, said Cicero[s]; 'every good man is perfectly resolved not to depart from his right conscience a hair's breadth during his whole life.'

§ 23. And now to the pretences which are made on the other side, there will be the less need of a reply, if we consider that they only prove that a judge is tied to observe the forms of judicial process, and to proceed according to allegation and proof, ordinarily and regularly, as supposing that this is the best ordinary way of information, as it is most certainly. But as the law, using the best she hath, would not yet refuse a prophet from heaven, or a miracle to bring truth from her retirements or her veil, so neither will she refuse any better way that can be offered; but whatever the law would do, yet the question now being concerning the judge, it is certain that the judge in the case now put, hath a surer way of evidence; and therefore as the law, if she had a surer way of evidence, ought not to go against so clear a light, so neither can the judge. And the arguments only proceeding upon the usual suppositions

[o] C. penult. De reg. jur. [Greg. ix. Decret., lib. v. tit. 41. cap. 3. col. 1796, from Bede on Mark ix., tom. v. col. 159: it is found however in S. Gregory on Ezech., lib. i. hom. 7. tom. i. col. 1225. B.]

[p] [Is. xi. 3, ed. vulg.]

[q] [Horat., de art. poet. 180.]

[r] [See Exod. xxiii. 21.]

[s] [Ad Attic., lib. xiii. epist. 20.]

conclude that regularly judges must do as usually they can do, that is, proceed according to proof, because they can have no better way, but they cannot be drawn to this extra-regular and rare contingency. For though most men are brought in upon suspicion or private accusation, yet the apostle says that some men's sins are manifest, going before unto judgment: and when this happens, the judge must not go in inquest after what he sees. And the same arguments may as well be urged against all dispensations and remissions, against favour and chancery, and destroy all equity and all religion, as to destroy all conscience when it is certain and infallible. But I shall say something to the particulars.

§ 24. 1) It is true that a judge hath a double capacity, and he hath offices proportionable; some as a man, some as judge; that is, he hath some natural and essential obligations, some which are superinduced upon his office. And therefore I refuse to use this distinction as it is commonly used, and so made more subject to mistake and abuse. In this case the judge is not to be considered as a public man and a private man; for private is as much superinduced as public; and all his other relations are as much to yield to his essential duty, as that of a judge: such as are the relation of a husband, of a father, of a tutor, of a master; and amongst these, the more private is often tied to yield to the more public. But therefore in this case the judge is to be considered as a judge and as a man; and in this case the duties are sometimes disparate, but never contrary; and when there is a dispute, the superinduced must yield to that which is original; for whatsoever is his duty as a man, the judge may not prevaricate; for it is the man that is the judge, in the man that office is subjected, and the office of a judge is bound upon him by the conscience of the man. If the judge had two consciences[t], and two real persons, then it were to be granted that they were to be served and attended to in their several callings; but it is not so, they are but two persons in fiction of law, but materially, and to all real events, the same: it is the same conscience ministering to divers duties: and therefore as the judge is always that man, so his conscience is the conscience of that man; and because as a man he

[t] [The author may have had present to his mind the advice given to king Charles concerning the trial of the earl of Strafford by the archbishop of York, (John Williams), "who to his argument of conscience told him, 'that there was a private and a public conscience; that his public conscience as a king might not only dispense with but oblige him to do that which was against his private conscience as a man: and that the question was not whether he would save the earl of Strafford, but whether he would perish with him: that the conscience of a king to preserve his kingdom, the conscience of a husband to preserve his wife, the conscience of a father to preserve his children, (all which were now in danger,) weighed down abundantly all the considerations the conscience of a master or a friend could suggest to him, for the preservation of a friend or servant.' And by such unprelatical ignominious arguments, in plain terms advised him 'even for conscience sake, to pass the act.'"—Clarendon, Hist. of the Rebellion, Book iii. vol. i. p. 451. Compare book iv. vol. ii. p. 111. ed. 8vo. Oxon. 1826.]

must not go against his conscience, so when that man is a judge he must not go against the man's conscience, for the judge is still that man ruled by that conscience. The essential duty of a man cannot by any superinduced formality be dispensed with. Now to go according to our conscience and knowledge is the essential rule and duty of a man, which he cannot put off by being a judge. The new office superinduces new obligations, but none contrary, no more than he can cease being a man by being a judge. *Certe prior anima quam litera, et prior sermo quam liber, et prior sensus quam stylus, et prior homo ipse quam philosophus et poeta*[u]: 'he is first a man, and then a philosopher, a poet, or a judge; and that which is first cannot be prejudiced by what is superinduced.' And if the judge go against the conscience of the man, pretending to do according to the conscience of the judge, the man shall be damned, and where the judge shall then appear any child can tell. If the bishop of Bayeux as earl of Kent will rebel against his prince, the earl of Kent shall lose his head, though the bishop of Bayeux may plead his clergy. For in this there is a great mistake. To be a man and to be a judge are not to be compared as two distinct capacities of equal consideration. To be a bishop and to be a judge are properly such, and have distinct measures; but to be a man is the subject of the two capacities, and cannot be laid aside as either of the other may; and therefore the distinction is vain and sophistical, and if it could be admitted in metaphysics (in which yet it appears to have an error), yet it can never be suffered to pass to real events. This being the ground of all the contrary opinion, and being found false, the superstructure must also fall to the ground. To the special cases this I answer:

§ 25. 2) An executioner may not refuse to do his office, though the judge hath given an unjust sentence: it is true only when the matter is dubious, or not known, or intolerable. But if the judge commands the hangman to slay a prophet alive, or to crucify Christ, or to strike his king through with a sword, I doubt not but the adversaries themselves will think he is not obliged to obey. Indeed this ought not easily to be drawn into a rule, lest such people turn it into a pretence. But if the executioner be sure, and the matter be notorious and such as cannot deceive him, his hand ought not to be upon an innocent. For as receivers are to thieves, so are executioners to unjust judges. When the fact is notorious, and the injustice evident, then it is such as all men can see it: and then, as if there were no receivers there would be no thieves; so if there were no executioners of unjust sentences, the judge would be apt to reverse his sentence.

§ 26. 3) Now whereas it is pretended that if a private notice were admitted against public evidence, it were like a private spirit against a public article, and would open a way to every pretension, it

[u] Tertull. lib. de testim. animæ. [cap. v. p. 67 C.]

would dissolve the forms of judicatures, and introduce many evils: I answer, that if all this were true, and that for this there could be no remedy, nor yet any recompense in the special cases, it would follow that the law were prudent if it did refuse to admit such a proceeding, unless she had some reason to trust the judge. But this were nothing to the judge: for the law therefore refuses his testimony, because she hath that which she presumes is better, and because she not knowing the secret follows the best way she hath. But the judge knows the secret, and he is not deceived, and he does not make pretences, for the case supposes him to speak according to his conscience; and therefore although the law in prudence does not believe him, yet he cannot but believe himself, and therefore in duty to God must proceed accordingly, or must not proceed at all.

§ 27. 4) Neither is this like a private spirit against a public article; because this conscience of the judge does not impose upon the public, who hath power to admit or to refuse his sentence; but it is only for himself, and although his conscience ought not to be the public measure, yet it ought to be his own. I do not doubt but the law may go against the judge's conscience, but the judge himself may not go against his own.

§ 28. 5) And this we see verified in the matter of a private evidence: for though the judge hath seen it in a chamber, yet he must not judge by it in the court, the law will not suffer him to do so; but yet for himself he may so far make use of it, as to be persuaded in his conscience, and to understand on which side the right stands, and to favour it in all the ways that are permitted him. But the case here being not matter of life and death, the law hath power to dispose of estates, and the conscience of the judge is not obliged to take more care of a man's money or land than himself does, but it can be obliged to take care of men's lives when the injured person is not able. A man may give away his estate, but he may not give his life away; and therefore he may lose his estate by such ways, by which he ought not to be permitted to lose his life. Add to this, that a judge having seen an instrument in private which could much clear the cause depending, may not upon that account proceed to sentence; because it may be the adverse party can give an answer to it, and make it invalid; whereas in matters of fact of which the judge is conscious, there is no uncertainty nor fallibility. And lastly, the suffering party in the question of money or lands suffers no inconvenience, but what is outweighed to the public by the order of justice and solemnities of law, and the man that loses to-day for want of producing his evidence, may produce it to-morrow and recover it. But in matter of life and death, nothing can make recompense to the oppressed innocent, and if he suffers to-day, he cannot plead an error in the indictment to-morrow. For these and many other considerations the case is wholly different.

§ 29. 6) By some of these things we may also answer to the

instance of a confident and opinionative judge. He may not prefer his private opinion before the sentence of the law, and bring it into open judgment. α) Because he himself may be deceived in his opinion, and his confidence is no argument that he is not deceived. β) Because if the sentence and decree of the law be less reasonable, yet the judge without sin may proceed to it, because the more reasonable is not in his choice, and the less reasonable is not absolutely and simply unjust. γ) In matters of prudence and civil government there is no demonstration of reason, but the legislative power may determine for the public interest as is presently apprehended, and may refuse the better counsel, and yet do well enough; for that which is simply the better is not in these cases necessary; and in such things a man's reason ought not to be so confident, as he is of what he sees, or what is matter of faith; and therefore in these only he is to be guided by his own, in the other he must proceed by the public measures. And as in all things not demonstratively certain or evident the executioner is bound to obey the judge; so is the judge bound to obey the law; and the presumption will lie for the law against the judge, as it will lie for the judge against the officer. δ) And yet after all, I do not doubt but if a judge's conscience were effectively determined against a law, and that he did believe it to be unjust and unlawful, he ought to follow his conscience. As if a judge did believe it to be a sin to put a man to death for stealing 13 d. ob.[v], he might not condemn such a thief to the gallows. And he is not excused by saying, it is not the judge but the law that does amiss. For if the judge believe the law to be unjust, he makes himself a partner in the injustice by ministering to an unjust law against his conscience. For not only he that commands evil to be done is guilty, but he that obeys such a command. In this case, either the judge must lay aside his opinion or his office, for his conscience must not be laid aside.

§ 30. 7) The instance of a priest and an excommunicate person unworthily absolved will no way conclude this question. α) Because the case is infinitely differing between condemning an innocent, and acquitting the guilty. If any man pretends he is satisfied in conscience that the accused person is criminal, though it cannot be legally proved, yet there is no wrong done, if the accused man be let free; an inconvenience there may be, but the judge must not be permitted to destroy by his private conscience, against or without legal conviction, because the evil may be intolerable if it be permitted, and the injustice may be frequent and unsufferable; but if it be denied, there may sometimes happen an inconvenience by permit-

[v] [Allusion is probably intended to the custom called the Gibbet law of Halifax, by which every felon arrested within the liberties having stolen goods of the value of a Scotch mark, (or thirteen pence halfpenny English, written xiii. *d.* ob.,) incurred the punishment of death. See Ruding's Annals of the coinage of Great Britain, vol. i. p. 361. 4to., Lond. 1840; Watson's History of Halifax, p. 214, &c. 4to., Lond. 1775.]

ting a criminal to live, but there can be no injustice done. It may have excuse, and it may have reason, and it may have necessity that a judge refuse to consent to the death of an innocent, but that he should against his conscience kill him can have no warrant; and if he be not innocent, there may be reason to let him alone, but none to condemn him if he be. Conscience can oblige a judge to an unsolemn absolution, but not to an illegal and unsolemn condemnation. This should have been considered in the earl of Strafford's case. The law hath power to forgive the criminal, but not to punish the guiltless. And therefore if a man be absolved when he deserved it not, we may suppose him pardoned, and the private priest is not his judge in that case. For to refuse to communicate him is an act of public judicature, and to absolve him is an act of the same power, and therefore must be dispensed by authority, not by usurpation, that is, by the public sentence, not by the private minister, since to give the holy communion to such a person is not against any essential duty of a Christian. And therefore if the priest knows him unworthy to communicate, he may separate him so far as he hath power to separate him, that is, by the word of his proper ministry: let him admonish him to abstain, represent his insufficiency, threaten him with the danger; but if he will despise all this, the private priest hath no more to do, but to pray and weep for him, and leave him to God and the church. But of this I am to speak more largely in its proper place.

§ 31. 8) As for the case of the priest hearing confessions, though he find Titius accused by Caius, yet if Titius does not accuse himself, Titius is rather to be believed in his own case than Caius in another man's. Because in this entercourse every man is so concerned to do his duty, that every man is to be believed for himself and against himself, because if he speaks false himself only is the loser. β) Caius accusing Titius may for aught the confessor knows tell a lie and abuse him, and therefore he cannot pretend knowledge and conscience against Titius; and so this comes not home to the present case which supposes the judge to know the accused person to be innocent. γ) This argument supposes that a man cannot be absolved unless he enumerate all his sins to the priest, which being in many cases false (as I have shewn otherwhere[w]) that which relies upon it can signify nothing.

§ 32. 9) Last of all, although the judge must lay aside his affections, and his will, and his opinion, when he sits upon the seat of judgment, because these are no good measures of judicature, nor ought to have immediate influence upon the sentence; yet he cannot lay aside his knowledge, and if he lay aside his conscience he will make but an ill judge. And yet the judge must lay his affections and his will aside never but when they tempt him to injustice. For a judge must not cease to be merciful when it does not make him unjust; nor need he cease to please himself, so long as he is pleased to do

[w] Unum necessar. [chap. x. § 4, vol. vii. p. 438, &c.]

right: these if they do hurt indeed must be left off, else not; and therefore it cannot with any colour from hence be pretended that he must lay aside his knowledge when it is the only way by which he can do good.

§ 33. 10) To the authority of S. Ambrose, what I have already said is a sufficient answer. For he speaks of a judge's office regularly and usually, not what he is to do in cases extraordinary, and such as is the present question. But he that said, *Sicut audit, ita judicat,* would no less have said, *Sicut videt, ita judicat.* The seeing of his eyes is as sure a measure as the hearing of his ears.

§ 34. 11) As for the words of Ulpian I will give no other answer than that Panormitan and Covaruvias who urge them, and who are concerned to make the most of them, do yet confess that they make as much against them as for them; and that they say true, will appear to any ordinary understanding that considers them.

12) For although no judge must do acts of a private authority, yet he may as well use his own private knowledge, as he may use the private knowledge of the witnesses; for their knowledge is as private as the judge's, till it be brought into open court, and when his is brought thither, it is as public as theirs; but however from the authority to the knowledge to argue is a plain paralogism; for the prince who armed him with public authority did not furnish him with a commission of knowledge, but supposed that to be induced by other ways.

13) And therefore the judge may when he hath called witnesses reject them upon his own certain knowledge, as well as use arts of discovery, or any other collateral ways to secure the innocent. For it may as well be enquired concerning the judge's using his knowledge to the infatuating or discovering the falsehood of the evil witnesses as to the rejecting them. For if he must absolutely take all for granted which they say, then he must use no arts to invalidate their testimony; but if he may do that, he may do the other, and yet the calling in of witnesses may be to many good purposes, and by the collision of contraries light may arise, and from falsehood also truth may be produced like a fair child from a foul mother. And after all, though this question is not to be determined on either side by authorities, yet because amongst the writers of cases of conscience very many rely much upon the testimony of authors, I think it not amiss to say that this sense of the question which I defend was the sentence of many eminent divines and lawyers, particularly, Nicolaus Lyra, Adrianus, Angelus, Navarre, Hostiensis, Calderinus, Panormitan, Martinus, Johannes Arboræus, Oldendorp, Corrasius, Lessius, Bresser, and divers others; and therefore besides the strength of the reasons, I walk the more confidently by having such good company.

§ 35. To conclude: all those advices of prudence which are given by the adverse party in this affair as expedients for the judges to proceed by in such cases, I am ready to admit if they will secure

their conscience and the life of the innocent oppressed. But if they will not, but that the judge must give sentence for law or for conscience, the case to me seems very clear. God is greater than our conscience, but our conscience is greater than any thing besides. *Fiat jus et pereat mundus*, said S. Austin, *adhæc imaginc ne naturæ veritas obumbretur curandum.* 'For images and forms of things, the natural and substantial truth of things may not be lost or prejudiced. Let justice be done whatsoever be the event.'

Accipere personam improbi non est bonum, ut pervertas justum in judicio. 'It is not good to receive the person of a wicked man, thereby to overthrow the righteous in his cause [x].'

RULE IX.

THE GOODNESS OF AN OBJECT IS NOT MADE BY CONSCIENCE, BUT IS ACCEPTED, DECLARED, AND PUBLISHED BY IT, AND MADE PERSONALLY OBLIGATORY.

§ 1. No object can have its denomination from the judgment of reason, save only that from thence it may be said to be understood to be good, to be declared, to be consented to; all which supposes the object to be good, or to be so apprehended. Just as an emerald is green before the eye perceives it so: and if the object were not in itself good, then the reason were deceived in consenting to it, and a deceiver in publishing it.

§ 2. This is true in respect of the material, fundamental, and proper goodness of the object; for this it hath independently of the conscience: and the rectitude of the conscience is dependent on this, and consequent to the perception of it. But yet there is a formal, extrinsical, and relative goodness passed upon an object by the conscience, by whose persuasion although an evil object do not become naturally good, yet it becomes personally necessary; and in the same proportion a good object may become evil.

§ 3. The purpose of this is to remonstrate that we must rather look to the rule than to the present persuasion; first taking care that our conscience be truly informed, before it be suffered to pass a sentence; and it is not enough that our conscience tells us thus, unless God hath told the conscience. But yet if the conscience does declare, it engages us, whether it be right or wrong. But this hath in it some variety.

§ 4. 1) The goodness of an act depends upon the goodness of an object, that is, upon its conformity to a rational nature and the commands of God. For all acts of will and understanding are of themselves indefinite and undetermined till the relation to an object be considered, but they become good or bad when they choose or refuse

[x] [Prov. xviii. 5.]

that which is good or bad respectively. To will to do an act of theft is bad, because theft itself is so: to be willing to commit an act of adultery is evil, because all adultery is evil: and on the other side, to be willing to do an act of justice, is therefore good because justice itself is good. And therefore Aristotle[y] defines justice by a habitude or relation to its object. It is *voluntas dandi suum cuique*, a will of giving to every one that which is their due. And therefore our conscience, because it is to receive its information from the rule by which every action is made good or bad, and its motion from the object, is bound to take in that only which is really and truly good, and without sin or error cannot do otherwise.

§ 5. 2) Although conscience is bound to proceed this way, yet sometimes the younger takes the elder brother by the heel, or gets out before him, and the act gets before the object by indirect means. For though all things should be thought good because they are good, yet some things are made good because they are thought so; and the conscience looking out upon its object finds error dressed up in the shape of truth, and takes it in, and adopts it into the portion of truth. And though it can never be made really and naturally good, yet by being supposed so by the conscience, it is sometimes accepted so by God.

§ 6. 3) Although the rule by which good and bad is measured be in itself perfect, yet it is not always perfectly received by us. Good is proportionable to reason; and as there is *probabiliter verum*, so there is *probabiliter bonum*, a probable good, as well as a probable truth: and in the inquest after this, we often shew a trick of humanity, even to be pitifully deceived; and although when it is so, it is an allay of the good it intends, yet it does not wholly destroy it: God in His goodness accepting at our hands for good, what we really and innocently suppose to be so. Just like the country fellow that gave a handful of water to his prince[z]; he thought it a fine thing, and so it was accepted. For when the action and the rule are to be made even, if either of them comply and stoop, the equality is made. God indeed requires the service of all our faculties, but calls for no exact measures of any but the will. For the acts of the will are perfect in their kind, but our understanding is imperfect, therefore this may find an excuse, but that never.

§ 7. 4) Upon this account it is that though the goodness or badness of an act depends upon the quality of the object regularly and naturally, yet the acts become irregularly or accidentally good or bad by the conscience, because the conscience changes the object; that is, the act is good by the object really good, or so apprehended. The object always changes or constitutes the act, but the conscience changing the object immediately, hath a mediate influence upon the act also, and denominates it to be such as in the event it proves.

[y] [Eth. Nic., lib. v. cap. 1. tom. ii. p. 1129: Eth. Meg., lib. i. cap. 33. p. 1193.]
[z] [Plutarch. Artax., cap. v. tom. v. p. 452.]

But then in what degrees, and to what events this change is made is of more intricate consideration.

WHAT CHANGES CAN BE MADE IN MORAL ACTIONS BY THE PERSUASION AND FORCE OF CONSCIENCE.

§ 8. 1) Whatsoever is absolutely and indispensably necessary to be done, and commanded by God expressly, cannot be changed by conscience into an evil, or into that which is unnecessary. Because in such cases where the rule is plain, easy, and fitted to the conscience, all ignorance is voluntary, and spoils the consequent act, but never can legitimate it. And the same reason is for things plainly and expressly forbidden, as adultery, murder, sacrilege, and the like; they can never become good by any act of conscience. And therefore in such cases it often happened that God did declare His judgment to be contrary to the opinion which men had of themselves and of their actions. Sometimes men live contrary to their profession; they profess the worship of God, but "deny Him in their hearts[a]," even when they least think they do. Thus the Israelites having constrained Aaron to make a golden calf proclaimed a feast, "to-morrow is a feast unto Jehovah[b];" but God says of them, "they offered sacrifice to devils and not to God[c]." And so it was with their children after them, who killed and persecuted the apostles and servants of Jesus, and thought they did God good service. He that falls down before an idol, and thinks to do honour to the Lord; or robs a temple, and thinks it is for religion, must stand or fall, not by his own fancy, but by sentence of God, and the rule of His law; *protestatio contra factum* is invalid in law. To strike a man's eye out, and say he done it in sport; to kill his brother, and think it is well done, because done to prevent his sin, though it may be thought charity by the man, yet it is murder before God.

§ 9. 2) Where the rule is obscure, or the application full of variety or the duty so intricate that the conscience may inculpably err, there the object can be changed by conscience, and the acts adopted into a good or an evil portion by that influence. He that thinks it unlawful to give money to a poor Turk, hath made it to become unlawful to him, though of itself it seems to be a pious act. So also it is in the uncertain application of a certain proposition. It is certainly unlawful to commit adultery; but if Jacob supposes he lies with Rachel, and she prove to be Leah, his conscience hath not changed the rule, but it hath changed the object and the act: the object becomes his own by adoption, and the act is regular by the integrity of the will. This is that which is affirmed by the apostle[d],

[a] [Tit. i. 16.]
[b] [Exod. xxxii. 5.]
[c] [Deut. xxxii. 17.]
[d] [Rom. xiv. 14.] Vide Chrysost. in hunc locum. [tom. ix. p. 711 sq.] S. Ambros. ibid. [tom. ii. append. col. 102.] et Theophyl. ibid. [p. 138.]

"I know and am persuaded in the Lord Jesus, that there is nothing unclean of itself, but he that thinketh it is unclean, to him it is unclean." This instance is in a case in which they might easily be mistaken, and innocently abused by reason of the prepossession of their minds by Moses' law; and therefore in such cases the conscience rules. They who believe themselves married, may mutually demand and pay their duty. But if they be not married, it is fornication or adultery (as it happens.) But if conscience says they are married, it is not adultery, but an act of duty, because the same conscience that declares for the marriage, obliges also to pay their duty, as a matter of necessity. Wherever the understanding is wrong, and the will is wholly right, the action is accepted, and the error pardoned.

§ 10. 3) When the act is materially evil, the conscience adopting it into a good portion, that is, believing it to be good, does not make a perfect change, but leaves an allay in the several degrees of its persuasion. For it is impossible that a right conscience and a wrong should have no difference in the effect, especially if there be any thing criminal or faulty in the cause of the error. When two men take up arms in a differing cause, as suppose one for his prince, and the other against him; though they be both heartily persuaded, and act according to conscience, yet they do not equally do well or ill. The one shall be accepted, and it may be, the other pardoned, or excused in various degrees. But this which needs a pardon for one thing, is not in the whole constitution of it, good for any thing, nor can it be accepted to reward.

§ 11. 4) If the conscience dictate a thing to be necessary, the thing is become necessary, and at no hand to be declined. This was it which S. Paul said [e], "He that is circumcised is a debtor of the whole law;" meaning, that though Christ had broken the yoke of Moses, yet if conscience did take up one end of it, and bound it upon itself; the other end would be dragged after it, and by the act of conscience become necessary. If a man enquires, whether he is bound to say his prayers kneeling, or whether he may do it standing, or lying, or leaning: if his conscience be persuaded that he must do it kneeling, it is necessary he should do so, and he may not do it in his bed. Because the conscience is a lawgiver, and hath authority over the man, and ought to prevail, when the contrary part is only that they may do otherwise. For whether this part be true or false, the matter is not so great, because there is no danger if a man do not make use of a liberty that is just. He can let it alone and do well enough; and therefore to follow the other part which is supposed necessary, must needs be his safest way.

But if the question be, whether it be necessary to keep a holy day, or necessary to let it alone; there if the conscience determine that for necessary to be done, which is necessary to be let alone, the

[e] [Gal. v. 3.]

man is indeed bound to follow his conscience, but he cannot escape a sin. For conscience makes no essential alterations in the thing, though it makes personal obligations to the man; and if it be an evil superstition to keep a holy day, it cannot be made lawful, because the conscience mistaking calls it necessary. And if this were otherwise, it were not a pin matter what a man thought, for his thinking so becomes his law, and every man may do what is right in his own eyes. And therefore God was pleased expressly to declare it, that if a prophet did mislead the people, both he and they should perish; and our blessed Saviour signified the same thing in a parabolical expression, "if the blind lead the blind, they both fall into the ditch[f]." But in this case there is a fault somewhere, and the man smarts under the tyranny, not the empire of his conscience; for conscience can have no proper authority against the law of God. In this case that which the conscience falsely calls necessary, becomes so relatively and personally (that is, he thinks so, and cannot innocently go in the right way, so long as his guide conducts him in the wrong, and yet cannot innocently follow his guide because she does abuse him;) but in itself, or in the divine acceptation, it only passes for a *bonum*, something there is in it that is good, and that God may regard; there is a *præparatio animi*, a willingness to obey.

§ 12. 5) If the conscience being mistaken in a question, whether an action be good or no, calls that good which is nothing but indifferent; the conscience alters it not, it is still but lawful; but neither necessary nor good, but relatively and collaterally. The person may be pitied, and have a gift given him in acknowledgment, but the thing itself cannot expect it. When the lords of the Philistines, that they might deprecate the divine judgments, offered to God golden mice and emerods, the thing itself was not at all agreeable to the way by which God chose to be worshipped; but their conscience told them it was good, it therefore became lawful to them, but not good in itself; and God who is the Father of mankind saw their heart, and that they meant it for good, and He was pleased to take it so. But the conscience (I say) cannot make it good. For to be good or bad is wholly another consideration than to be necessary or not necessary. This distinction is relative to persons, and therefore can be made by conscience in the sense above allowed. But good and bad is an abstract consideration, and relates to the materiality of the object, and is before the act of conscience, not after.

§ 13. 6) If the conscience being mistaken calls a thing lawful which is not so in the rule, or law of God, there the conscience neither makes an alteration in the thing, nor passes an obligation upon the person. Eleonora de Ferrante was married to a Spanish gentleman, who first used her ill, then left her worse. After some years she is courted by Andrea Philippi her countryman, to marry him. She enquires whether she may or no, and is told by some whom she ought

[f] [Matt. xv. 14; Luke vi. 39.]

not easily to have believed, that she may; and so she does. But being told by her confessor of her sin and shame, she pretends that she did it *bono animo*, her conscience was persuaded she might do it, and therefore hopes to be excused or pardoned. He answers her, that her conscience could not make that lawful which God had forbidden, and therefore she ought not to pretend conscience; for though her conscience did say it was lawful, she was not bound to follow it; because though she must do nothing that is unlawful, yet she is not tied to do every thing that is lawful: and though her conscience can give her a law, yet it cannot give her a privilege. She is bound to do what her conscience says is necessary, though it be deceived, and if she does not, she sins against her conscience, which can never be permitted or excused. But if her conscience tells her only it is lawful so to do; if she does not do the thing which her conscience permits, she offends it not, because though it allows, yet it does not command it. If therefore she does it, and there be an error in the conscience, the sin is as great as the error, great as the matter itself; as if the fact materially be adultery, it is also morally so, and the persuasion of the conscience does not excuse it from being such. The reason is plain: for since the conscience when she allows does not command, if the person chooses that thing which materially is a sin, it is in pursuance of her own desires, not in obedience to her conscience; it is lust more than conscience. But yet whereas she says she hopes for pardon in this case, there is no question but she may: for she sinned as S. Paul did in persecuting the church; he did it ignorantly, and so did she. Here only was the difference; he was nearer to pardon than she; because he thought he was bound to do so, and therefore could not resist his conscience so persuaded: she only thought she might do it, and therefore might have chosen. The conscience hath power in obligations and necessities, but not so much, nor so often in permissions.

CHAP. III.

OF THE CONFIDENT, OR ERRONEOUS CONSCIENCE.

RULE I.

AN ERRONEOUS CONSCIENCE COMMANDS US TO DO WHAT WE OUGHT TO OMIT; OR TO OMIT WHAT WE OUGHT TO DO, OR TO DO IT OTHERWISE THAN WE SHOULD.

§ 1. IN this there is no other difficulty but in the last clause. For when our blessed Lord had propounded an instance of perfection, he that not only obeys the counsel, but thinks it to be a commandment, and necessary to be done in all times and persons, enters into an error at the gate of zeal, and at the same place lets out the excellency of his love. Christ hath recommended renunciation of the world, spiritual castration for the kingdom of God, dying for our enemies, &c.; he that in zeal, with charity and prudence follows these advices will find his reward swell high; but he whose zealous desire to grow towards perfection, shall so determine his practice, as that by degrees he shall think these counsels individually necessary, hath abused his conscience, laid a snare for others, put fetters upon christian liberty, and is passed into that state of doing it, that though he entered first by love, he is gone beyond it, and changed it into fear, and scruple, and superstition: he is at last got so far that he would not do it at all if he durst do otherwise; and he dares not, because his love was zealous, and his zeal was imprudent, and his imprudence was a furious snare, and the passion of a mighty folly.

§ 2. But an erroneous conscience is generally abused by two manners of proceeding. First, by a true application of a false proposition: thus,

Whatsoever is done against my conscience is a sin:
But to allow of magistrates is against my conscience,
Therefore it is certainly a sin that they be allowed.

The first proposition is not true, unless it be understood of him only, against whose conscience it is done, and then it is always true, either absolutely or relatively, originally or accidentally. But if it be intended to conclude, that because it is against my conscience to allow them, therefore it is simply unlawful, or unlawful to every one else, this is a paralogism, and makes an erring conscience. Or secondly, the conscience is abused, and made erroneous by a false application of a true proposition.

Whatsoever is forbidden by God is a sin:
But every oath is forbidden by God,
Therefore every oath is a sin.

Every thing here is true but the conclusion. The second proposition is true, but not universally. For S. James saying, "swear not at all[g]," forbids all kinds of oaths materially: that is, in that sense in which any is forbidden, in the same all are forbidden. Without just authority and occasion it is not lawful to swear by God, therefore without such authority, neither is it lawful to swear by a creature. So that his words mean thus; except in such a case, 'swear not at all,' that is, not with any kind of oath; for unless that case occurs to warrant it, this or that oath is criminal as well as any: that is, it is no excuse in common talk to say, it was but a slight oath, for you must not swear at all, viz., in such circumstances.

THE CAUSES OF ERROR, ARE

§ 3. 1) Ignorance, either of right or fact. For no other division of ignorance can concern the relation of an erring conscience: for although a man is otherwise concerned in ignorance if it be vincible, otherwise if it be invincible, yet his will is concerned in that directly, and his conscience but collaterally and indirectly.

§ 4. 2) Fear whether it be pusillanimous, or superstitious, that is, whether it begin upon religion, or upon natural imbecility, they alike abuse the conscience. Ignorance makes it erroneous, but takes not away its confidence, but oftentimes increases it: fear makes it erroneous too, and though it begins in doubting, it ends in a silly choice, which grows to as much confidence as it can, so much as to establish the error.

§ 5. 3) To this usually is reduced a morose humility and abjection of mind, which because it looks pitifully and simply, some men in charity think it laudable: so Antoninus particularly: and it is the same that S. Gregory[h] recommends, *Bonarum quippe mentium est, ibi etiam aliquo modo culpas suas agnoscere, ubi culpa non est:* 'it is the sign of a good mind to accuse themselves of a fault when there is none.' Which if it relates to the present affairs is dangerous and illusive. For if the question be in a case of conscience, and the conscience be determined upon its proper grounds innocently and right, there to acknowledge a fault in the conscience or determination, is to make the rule itself crooked, to introduce eternal scruples and irresolution, to disturb our own peace, and a device to snatch at a reward by thrusting it from us, and to think to please God by telling of a lie. But if the saying relates to all the whole action in all its conjugation of circumstances and appendages, then it may consist with humility and prudence both, to suspect a fault where there is none; to fear lest we have erred by excess of degrees in passion, or by remissness and slackness of action, or by obliquity of intention, or

[g] [James v. 12.] [h] Part. 1. decret. dist. v. c. 4. [col. 17.]

intertexture of some undecency, or weariness, or sensuality, or complacency, and phantastic deliciousness, or something secret, and we know not what. But even in this case, we may best follow S. Paul's expedient and manner of expression, *Nihil mihi conscius sum*, 'I am guilty of nothing[i],' my heart smites me not, 'yet I am not hereby justified, for God is greater than my conscience.' I may for aught I know have done some thing amiss, or my duty not well, but as I cannot accuse myself, so neither can I acquit myself, but refer myself to God's equal and merciful sentence. What goes beyond this may abuse the conscience, not only by a secret scruple, but by an evil principle and false conclusions: and this, although it looks like modesty, and seems contrary to confidence, and therefore cannot be so well reduced to this kind of conscience, but to the doubting, or the scrupulous; yet I have chosen to place it here, for the reason above mentioned. It looks in at the door with a trembling eye, but being thrust in, it becomes bold. It is like a fire-stick which in the hand of a child being gently moved, gives a volatile and unfixed light, but being more strongly turned about by a swift circular motion, it becomes a constant wheel of fire: or like a bashful sinner sneaking to his lust, till he be discovered, and then he is impudent and hardened. And there are very many wise men who tremble in their determinations, and not being able clearly to resolve, fall upon one part by a chance, or interest, or passion, and then they are forced for their peace sake to put on an accidental hardness, and a voluntary, not a natural confidence. But this confidence is commonly peevish, impatient, and proud, hating all contradiction and contradictors; because it was only an art to sleep, and to avoid the first trouble, and therefore hates every thing that brings them forth from their phantastic securities.

§ 6. Other causes of an erroneous conscience here usually are assigned, but inartificially I suppose, and not of present concernment or relation. Such as are the subtraction of the divine aids, God's leaving a man, and giving him over εἰς νοῦν ἀδόκιμον, and to believe a lie; perplexity, or irresolution, self-love, pride, prejudice, and passion; *perit enim omne judicium cum res transierit in affectum, quia affectus obscurat intellectum ne recte judicet*, said Seneca. When affection sits judge, there reason and truth are seldom admitted to plead, or if they are, yet they cannot prevail.

Impedit ira animum ne possit cernere verum [k].

But these are no otherwise causes of an erroneous conscience, but as they are causes of ignorance or deception; for in this case I reckon them to be but one; an error being nothing else but an ignorance of truth, which whether it be culpable or inculpable, and at what gate it enters, is of another disquisition, and shall be reserved to its proper place.

[i] [1 Cor. iv. 4.]
[k] [Dionys. Cato, lib. ii. distich. 5. p. 29, 8vo. Amst. 1646.]

RULE II.

AN ERRONEOUS CONSCIENCE BINDS US TO OBEDIENCE, BUT NOT SO AS A RIGHT CONSCIENCE DOES.

§ 1. THE object can move the will no otherwise than as it is propounded by the understanding. If it be propounded as evil, the will that chooses it under that formality is criminal and malicious: if it be propounded as good, the will that rejects it so propounded despises good; for it is so to the will, if it be so to the understanding, which is the judge and the immediate rule of all human actions. And he that does a good thing while he believes it to be evil, does choose the evil, and refuse the good; for he does therefore because he believes it evil, or though he thinks it so, and therefore is equally disposed to choose a real evil: for that this is not so, is but extrinsical and accidental to his choice.

§ 2. If this were not thus, but that it were possible to be otherwise, then we might suppose that a man might do a thing reasonably, for which he hath no reason; and a human action without the natural process of humanity, that is, to choose by chance, and unnaturally, to choose for a reason that he hath not, and a good that appears not, which is like beholding of a thing that he sees not. The Jew thinks it is his duty to be circumcised, and to keep the sabbath. While in this error he is confident, by what argument can he be moved to omit it? If you give him reasons, you seek to cure his error, and to alter his persuasion: but while this persuasion is not altered, how can he be moved to omit it? If you give him no reasons, you desire him to omit it because he thinks he ought not, and to do an action because it seems unreasonable, and follow your opinion because he believes it false; that is, to obey you because he ought not, which is a way not possible to prevail with a wise man, or with a fool; how it may work with any sort of madness, I know not.

§ 3. But against this rule, some contend earnestly, in particular Gulielmus Parisiensis [1], and some that follow him, saying it is impossible that an erring or a lying conscience should oblige a man to follow it. The thing hath great influence upon our whole life, and therefore is worth a strict survey.

Quest.

Whether a false and an abused conscience can oblige us to pursue the error?

That it cannot these reasons are or may be pretended.

1) Because it seems to be absurd to say, that when the error itself is not a sin at all, or but a little one, that it can be a great sin to follow a man's own humour against that error. If a man should do according to his error, it could at most be but a small sin, and

[1] [De vit. et peccat., cap. x. p. 278, 9.]

therefore to go against it cannot be greater. For the error can oblige no higher than its own nature, as rivers cannot arise above their fountains.

§ 4. 2) But it is a more material consideration; if an erring conscience obliges us to follow it, then some men are bound to persecute the church, and the high-priests sinned not in crucifying Christ; and the zealots of the Jews did well in afflicting the apostles and disciples of Jesus, because they did it ignorantly, and by the dictate of an erring conscience; and S. Paul[n] says of himself before his conversion, 'I myself thought I ought to do many things against the name of the Lord Jesus;' and yet he sinned in following his erring conscience; and therefore certainly could not be bound to it. In pursuance of which,

§ 5. 3) S. Bernard argues thus[o]: 'To follow truth is always good; but if by the conscience we can be bound to follow error, and that in that case it is not good to follow truth; that is, if a good may become evil by the sentence of an erring conscience, and so great an evil as it supposes it to be, then by the same reason that which is evil may by the like sentence become good, and so great a good as it is supposed; and then may a man be chaste for committing adultery, and charitable for committing murder, and religious for worshiping idols, and pious to his parents in denying to relieve them from the *corban;* all which consequence being intolerable, the antecedent which infers them must needs be false.'

§ 6. 4) It is true indeed, the conscience is our guide and our lawgiver, our judge and our rule; but it is not our lord, nor in the present case is it an authentic record, but a ψευδεπίγραφον, a heap of lies and errors, and therefore cannot be a true guide, and we are not tied to follow any leader to hell. Better it is in this case to follow the conscience of a wiser and a better man than myself, it being more reasonable that we be tied to follow his right, than our own wrong conscience.

§ 7. 5) For if still we were bound to follow our abused conscience, then we were bound to impossibilities, for then either we were not at all bound to follow God, or if we were, and yet bound to follow our conscience against God, we were bound at the same time to do and not to do the same thing; 'to serve two masters,' which our blessed Saviour said 'no man can do.'

§ 8. 6) But therefore in this case God must be obeyed and not man; it being impious to say that the law of our conscience should derogate from, or wholly evacuate the law of God, by which alone we ought to be governed. For if this law of conscience takes away the obligation of the divine law, or if the divine law take away the obligation of conscience when it errs, then they must cease respectively; and the event will be this, that as long as God's law

[n] [Acts xxvi. 9.] [o] Lib. de præcept. et dispens. [capp. xvii, xviii. col. 934—6.]

binds us (which is for ever) the law of an erring conscience cannot bind us.

§ 9. 7) And there are in this great proportions of reason. For if the will be bound to lay down all its rods and axes, all the ensigns of empire at the foot of the throne of God, doing or refusing by the command of God against its own inclination, it will not be imagined that the conscience, that is, the practical understanding, hath any such privilege indulged to it, that it can be exempt from the jurisdiction of God, or that it can oblige in defiance of His laws.

§ 10. 8) For it is certain, conscience is God's creature, bound to its Lord and maker by all the rights of duty and perfect subordination, and therefore cannot prejudice the right and power of its Lord; and no wise man obeys the orders of a magistrate against the express law of his king; or the orders of a captain against the command of his general; and therefore neither of conscience which is God's messenger, against the purpose of the message with which God intrusted it. However, it is better to obey God than man; to follow the law of God than to go against it; to do that which we should, rather than that which we should not.

§ 11. 9) And there can be no more necessity upon us to follow our conscience teaching us, than our conscience binding us; and yet if a contract that is vicious be made, or an oath that is unlawful be uttered, the obligations of conscience cease, because they are against the law of God; and how then can conscience against this law of God in any sense pass an obligation? But this rather, that as we are bound not to commit a crime, so not to follow an error and a lie.

§ 12. 10) For it is impossible that our opinion, or falsely persuaded conscience, should make any alteration in the thing. If it was evil in itself, it is so still; and my thinking that mercury is not poison, nor hellebore purgative, cannot make an antidote and deletery against them, if I have upon that confidence taken them into my stomach; and the sun is bigger than the earth, though I foolishly think it no wider than a bushel. And therefore in such cases the conscience can have no power, and can bind us to nothing but to lay our error down. Because as to him that is in error, it were madness to bid him err more; so to him that hath an erring conscience, it were equally evil to bid him pursue, and actuate and consummate his error; which yet he were bound to do, if an erring conscience could bind him.

§ 13. 11) Lastly, if an erring conscience binds us to obedience, it either binds us by its own independent, ingenite power, or by a power derived from God. If by a power derived from God, then God commands us to believe a lie, to commit a sin, to run after false fires and illusions, which to affirm seems to be blasphemy; but if it binds us by its own power, then our conscience can make God's law to become unlawful to us, and we shall be stronger than God, and a

man's self becomes his own rule; and he that is deceived by a false opinion is a lawgiver to himself, and error shall be the measure of good and evil.

§ 14. These are the arguments which are used by several persons respectively in verification of the opinion of Parisiensis, which I have not only heaped here together, but added some and improved the rest, that by the collision of these with their answers, the truth might be made more useful and evident; and divers collateral things incident to the main question might be spoken of; and those arguments remain valid which I brought for the affirmative in the first and second paragraphs of this rule. To the first therefore I answer:

§ 15. 1) That it is not the error that binds us to follow it, but the conscience in error; and therefore although the error can have no force greater than its own nature and proper energy, yet our conscience can bind beyond the force of error. As if a general commands a soldier to turn to the right hand under pain of death; if he mistaking turn to the left, the event is greater than can be effected by the intentional relations of right or left hand, but depends upon the reason, and the command, the power and empire of the general.

§ 16. 2) To the second, I answer, that it follows not, because the erring conscience binds, therefore the obedience is not a sin. For such is or may be the infelicity of an abused conscience, that if it goes forward, it enters into folly, if it resists, it enters into madness, if it flies, it dashes its head against a wall, or falls from a rock, if it flies not, it is torn in pieces by a bear; and the very instances make it clear; the rulers of the Jews and S. Paul were both called to repent of that which they did in obedience to their erring conscience, which cannot legitimate impiety, but only make the one or the other instance to be unavoidable.

§ 17. 3) To that which S. Bernard objects, the answer is easy upon another account; for conscience may make a good thing evil to it, because besides the goodness of the object to make an action lawful there is required the faith and persuasion of the agent; and if this be wanting, as it is in an erring conscience that believes not the goodness of it, the action is evil, by reason of the destitution of an integral part. For, *bonum ex integra causa, malum ex qualibet particulari* [P], and by the same reason, conscience cannot make an evil thing good, because besides the persuasion of conscience, there is required the goodness of the object, which if it be wanting, one ingredient cannot make it good; all must enter into the constitution of good, though the want of one is enough to spoil it.

§ 18. 4) To the fourth I answer, that because the conscience is in error, and the principle within is a ψευδεπίγραφον, a false record, therefore it is true, that we are not absolutely tied to follow its conduct, but we are tied to lay the error aside, that we may follow it in strait ways; but in the present constitution of affairs it is

[P] [Dionys. Areop.—See vol. iv. p. 514.]

miserable, and because we must follow our leader, that is, all that can go before us, we do go to hell, or to mischief; not that we are by God bound to do this, but only to do that, and it is by our own fault that we are bound to fall into an evil portion: God binds us to follow our conscience, we spoil it by some folly or other, and then we follow it; the evil appendage is our own, the law by which God bound us was holy. Nature requires of us to drink at our meals: but if we have corrupted all our beverage[q], we must drink unwholesome draughts, but yet nature did not bind us to this misfortune.

§ 19. 5) And therefore the answer to the next objection provides us of a remedy against the former. We are bound absolutely to follow the law of God; but we are bound to follow the contrary law of conscience erring, conditionally and by accident, that is, because we have made our rule crooked which God had made straight. For to be absolutely and irrespectively bound to follow God, and yet respectively and by accident to be bound to follow the contrary conscience, are not incompossibilities, or the parts of a contradiction, because they are not *ad idem*, not in the same regards. But then, since it is impossible that both these should be actually followed, therefore God does not command us to follow our conscience and not to follow it at the same time, but to follow our conscience, and to lay aside the error, and then both parts are reconciled; for God and the conscience are but accidentally opposed, and God commanding us to follow our conscience, took care that at the same time we should follow God too, and therefore God taught our conscience, but when we get other teachers, we make it impossible to obey God. Let us submit our conscience to God, that is, lay aside our error, and then God and conscience are not two masters, but one, that is, God; and conscience is His deputy and subordinate. And in order to this, it is not ill advised in the fourth objection, to follow the right conscience of a wiser man: to do so is a good expedient for the laying down our error; but it is not directly obligatory, so long as the error is confident; for I must not follow a wiser man in his right, if I believe him to be in the wrong, and if I believe him to be in the right, and he really be so, then I have laid aside my error, and indeed to do this is our duty; but this cannot be done till the error be discovered, till then I must follow my own conscience, not the conscience of another man.

§ 20. 6) To the sixth I answer, that the law of conscience cannot derogate from the law of God, when they are placed in the eye of reason over against each other; that is, when the conscience sees the law of God, no law, no persuasion, no humour, no opinion can derogate from it. But an erring confident conscience believes that it follows God when it does not. So that the law of God hath here a double effect. The law of God apprehended by the conscience binds him to action; but

[q] ['beaurage,' A, B.]

the law of God real and proper binds the man to lay aside his error. For he that goes against the matter and the instance of the law of God, does yet at the same time obey the sanction and authority, because he proceeds to action in obedience to, and in reverence of the law of God. The wife of Amphitryo was kind to her lord, when she entertained Jupiter in his semblance; and for Sosia's sake Mercury was made much of: and because the error is dressed like truth, for truth's sake we hug and entertain the error. So here: the law of God is not despised, much less evacuated by following the dictate of conscience, because it is for the sake of God's law that this conscience is followed: and therefore since by accident they are made opposite, the event of it cannot be that one must cease, for both may and must stand, but nothing must cease but the error.

§ 21. 7) And therefore although the will must cease from its own pleasure, when God's will is known to be clear against it, yet the understanding must not cease from that which it supposes to be the will of God, till the error be discovered, but when it is, then it must as much cease from its own ways as the will must, for every understanding as well as every proud will must be submitted to the obedience of Jesus.

§ 22. 8) For conscience being God's creature, and His subordinate, cannot possibly prejudice the rights of God, for as soon as God's right appears, and His laws are read, conscience doth and must obey; but this hinders not but that conscience must be heard when she pretends the law of God for her warrant, so long as it is not known but that she says true.

§ 23. 9) For it is in this as it is in contracts and oaths, so long as they seem lawful they must be observed, and must not be rescinded until it be discovered that they are against the law of God, and so it is with the dictates of an erring conscience.

§ 24. 10) And the reason is plain, because conscience does not make a real change in extreme objects (as I have formerly discoursed[q]): the things are good or bad by their proportions to God's law, and remain so, whatever the conscience thinks; but yet they put on vizors and shapes, and introduce accidental obligations by error. Indeed the error brings in no direct obligation but that it be discovered and laid down: but so neither can it hinder but that conscience shall still retain the power that God hath given it directly and principally; that is, that it be the man's rule and guide. For the fallacy that runs through all the objections is this, that the erring conscience is in its obligation considered as erring. Now it does not bind as erring, but as conscience; that is, not by its error, but by its nature, and the power of God, as being the reporter and record of His commands; against which he that bids our conscience to proceed indeed gives ill counsel. He that counsels a man to follow his erring conscience,

[q] Chap. ii. rule 9. [p. 120, &c. above.]

invites him to folly; he tells him he is in error, and bids him not lay it down. But he that advises him to follow his conscience, though it happens in the truth of things that his conscience be in error, meddles not at all in the countenancing the error, but in the power of conscience.

§ 25. 11) For all the obligation which our conscience passes on us is derivative from God, and God commands us to follow our conscience, but yet He commands us not to sin; because His commanding us to follow our conscience supposes our conscience instructed by the word of God and right reason, and God had appointed sufficient means it should be; but that conscience offers a sin to the obedience is wholly the man's fault, and besides the intention of God. God hath not made us to sin, but hath committed us to the conduct of conscience, which by prevaricating its instructions hath betrayed us.

§ 26. By this it appears what manner of obligation is passed upon us by an erring conscience; the conscience always hath the same commission, as being the same faculty, the same guide: but because itself is bound to the laws of God and right reason, so far as it follows them, so far it binds. But because when it is in error, it also pretends them, by them it still binds, till the illusion be discovered. Durandus expressed this by a distinction of words, in which himself only made the difference. *Ligat, sed non obligat*[r], so he. That is, it hath not the same power that is in a right conscience. But it binds us so that we cannot proceed to good. A right conscience directly and finally binds us to the action itself: an erring conscience cannot do that, because the action it offers is criminal, but it makes us take that instead of what it ought to bind us to. That is, it hath the same authority, but an evil exercise of it. The formal obligation is the same, but when it comes to be instanced, it binds us to that in which it hath no power. For though it hath power over us, yet it hath no direct power in that particular matter.

§ 27. Cordubensis and Vasquez contradict this expression of Durandus, affirming that an erring conscience does *ligare et obligare*. I cannot well translate the words into a distinction, but their meaning is this, that we are not bound positively to follow the error, but yet so that we must not do the contrary. Which indeed is the same thing; and they going to reprove Durandus his distinction that hath no difference, they do it by a contradiction that hath in it no opposition. For to say that an erring conscience does so bind us that we must not contradict it, is to say that it positively binds us to follow it. For if it commands us to follow it, and we must not go against that command, is it not notorious and evident that we must positively follow it. But for the establishing the measures of obedience in the present case, these following rules are the best proportions.

[r] [Durandus a Sancto Portiano, in 2 Sent. dist. xxxix. quæst. 5. § 7. p. 443.]

THE MEASURES OF OBEDIENCE DUE TO AN ERRING CONSCIENCE.

§ 28. 1) If an erring conscience commands a thing that is of itself indifferent, we are bound to follow it, and we may do it without sin. Because if it be indifferent, it is therefore lawful, and it cannot cease in itself to be lawful, by being supposed to be necessary. Indeed if a governor commands us to do a thing indifferent, and says it is necessary, we may not do it under that compliance; that is, we may not betray our christian liberty, and accept that as simply necessary which Christ hath left under liberty. We must do the thing, but not own the necessity. But if an erring conscience bid us do an indifferent, and represent it as a necessary action, though it may be a sin to believe it necessary, yet it is no sin to do the action. For nothing that supervenes can alter the nature of the thing, and a new personal necessity introduced by an erring conscience, by making it seem necessary to him, changes it not from being lawful in itself. But then it infers this also, that as it may be done without sin, so without a sin it cannot be left undone: because the error hath made it personally necessary, and the truth of God hath made it lawful really.

§ 29. 2) If an erring conscience dictate a thing to be good which is not good, not to follow that dictate, and not to do that thing is no sin. Because every good is not necessary, and it may be good or seem so, and yet to omit it in certain circumstances, may be equally good or better.

§ 30. 3) If an erring conscience affirm that which is good, or which is indifferent, to be evil and vicious; as if it says, it is a sin to spit upon the pavement of a church, or that it is superstition to serve the poor in an hospital, it is no sin to omit that indifferent or that commendable action; because here is no command of God to countermand the resolution of conscience, and therefore the error may become a snare and a hindrance, but no direct cause of sin; because such actions in themselves not being necessary, it cannot be criminal upon a less reason to omit them. But upon the same account it is a sin to do them, because they are not of faith, and the conscience being persuaded against them, they are sins. For any deficiency of a necessary ingredient makes a sin.

§ 31. 4) If an erring conscience say that such an action is lawful only, when of itself it is good and laudable, we sin not if we do it, or if we do it not. For in this case neither is there any direct obligation from God, nor any indirect obligation from conscience, and therefore the man is wholly permitted to his liberty: although it may be a pious action to pray kneeling on the ground with bare knees, or prostrate on our faces, yet if conscience says it is in no sense laudable, but that it is lawful only, we may safely do it; but then there is no other effect of such an action, than there is of scratching a man's head with one finger, and it cannot be commendable in him to do an action in which he believes there is no worthiness.

§ 32. 5) If an erring conscience commands what is simply evil, or forbids to do that which is absolutely commanded, the man sins whether he obeys or obeys not. In one case he sins against his rule, and in the other against his guide, and any one miscarriage is enough to introduce a sin: but this will be the matter of the next rule. The use of these rules is not at all effective upon erring consciences, while the error remains; for the advices supposing the error are not applicable to them who will not suppose themselves in error. But they are applicable to consciences recovered from their error, and are useful in the conduct of their repentance, because they describe the respective measures of sin and innocence, and what obligations of sorrows and amends are left behind when the error is gone.

To these may be added those rules which I have already given, concerning the changes which can be made in moral actions, by the persuasion and force of conscience, chap. ii. rule 9[s].

RULE III.

A CONSCIENCE ERRING VINCIBLY OR CULPABLY IS AN UNAVOIDABLE CAUSE OF SIN, WHETHER IT BE RESISTED OR COMPLIED WITH.

§ 1. WHEN the error proceeds of malice or negligence, the man is guilty according to the venom of the ingredient; there is a sin in the principle, and this leads to an action materially evil. He that makes assemblies against his prelate, and thinks he may lawfully do it, does an action for which by the laws he is punishable; but to God he is to answer besides the action, for the sin that led him to that error.

Quest.

§ 2. But if it be enquired, whether that also be a sin which is in obedience to his conscience, that is, whether the instance of the action be a sin, beside the malice of the principle, and so every such action become a double sin: I answer, that it is according as the instance is.

§ 3. 1) If it be against a prime principle, in which we are naturally, or any way greatly instructed, then the error is culpable in that manner that it remains voluntary all the way; and then not only the introduction or first principle, but the effect also is a sin. The man hath only put a blind before his eyes, and in every reflex action it is discovered, and he knows it habitually all the way. And therefore in this case the conscience ought not to be obeyed. For the conscience is but imperfect and equivocal, violent and artificial[t]. It is persuaded

[s] [p. 120.]

[t] Castropal. op. moral., tom. i. tract. i. disp. i. punct. 6. n. 3. [p. 5. ed. fol. Lugd. 1631.]

in the act, and convinced of the evil in the habit or reflex act, and is no otherwise deceived, than a man is blind that wears a hood upon his eye.

§ 4. 2) If the conscience be possessed with a damnable error, and in a great matter, and this possession is a dereliction and a punishment from God for other crimes, it is no matter whether we call the consequent action a sin or no. For the man is in a state of reprobation, and the whole order of things and actions in that state are criminal formally or equivalently. His prayers are an abomination; and if so, then the actions that are materially evil are much worse, and in estimation are prosecutions of the state of sin. Of this sort are they that are given over to believe a lie; all the consequent actions are sins, just as the envies and blasphemies of damned people are sins, or as the acts of devils are imputed: they are consigned to death, and all the consequent actions are symbolical; and it will be always so, unless they can return to a state of repentance.

§ 5. 3) If the conscience be abused in a deduction, consequence, or less certain proposition, by evil arts and prejudice, by interest and partiality, there is so much evil in the whole determination, as there was in the introducing cause of the error, and no more. For if the action consequent to the persuasion were also a sin, then it ought not to be done; but because in this case the conscience ought to be obeyed, though in the whole affair there is a sin, and it is unavoidable, yet the sin is antecedent to the action and determination, but no proper appendage or qualification of it. And since the object in the present case transmits honesty and equity into the action, not according to what it is in the thing, but according to what it is in reason, it must needs be that we are obliged according to what we find it to be in conscience. For in this case we know not what it is in itself, and therefore by it we cannot be guided to choose or to refuse; but because we must be guided by something, it must be wholly by opinion and conscience.

§ 6. 4) If the conscience be weakly and innocently misguided, there is no sin either in the error, or in the consequent action. Because no man is bound to do better than his best; and if he hath no sin in the principle of his error, it is certain he did his best, that is, he did all his duty, and then to proceed by the best light he hath, is agreeable to right reason and to religion.

§ 7. Upon the ground of these conclusions we may easily infer, that though an erring conscience is to be followed (as it is above explained) and yet that God also is entirely to be followed, and that therefore a man by accident, and by his own fault may be entangled *in nervis testiculorum Leviathan* (as S. Gregory's expression is out of Job), in the infoldings of sin and Satan, and cannot escape innocently so long as he remains in that condition; yet because he need not remain in that condition, but either by suspecting himself, or being admonished by another, by enquiry and by prayer, he may lay his

error down, it follows, that to obey God never hath an unavoidable dilemma, and never is impossible so long as the man is in a state and possibility of repentance. Because every error that infers an action that is formally as well as materially sinful, not only ought but may also be deposed or laid down, because in such cases no man is invincibly abused. No man can ever be in that condition, that to love God shall become a sin to him; because no man can really be ignorant, or properly entertain this opinion, that it is a sin to love God; that rebellion is lawful; that adultery is no sin; that it can be lawful to strike a prince for justice, or to break a commandment to preserve the interest of a sect; that a man may rob God in zeal against idolatry and images. These things are so plainly taught, that an error in these cannot choose but be malicious.

§ 8. But when the error is in such cases where either it is invincible and irremediable, or where weakness pleads excuse, the action is in that degree innocent in which the error is unavoidable. And if it could be otherwise, then a case might happen in which by the laws of God a man could be bound to that which is intrinsically evil, and then God and not man were the author of the sin.

§ 9. The sum is this: God is supreme, and conscience is His vicegerent and subordinate. Now it is certain, that the law of an inferior cannot bind against the command of a superior when it is known: but when the superior communicates the notices of his will by that inferior, and no otherwise, the subject is to obey that inferior; and in so doing he obeys both. But the vicegerent is to answer for the misinformation, and the conscience for its error, according to the degree of its being culpable.

RULE IV.

IT IS A GREATER SIN TO DO A GOOD ACTION AGAINST OUR CONSCIENCE, THAN TO DO AN EVIL ACTION IN OBEDIENCE TO IT.

§ 1. THIS rule concerns degrees only, but is useful in the conducting some actions of repentance; and it is to be understood to be true only in equal cases, and when there is no circumstance aggravating one part. Friar Clement the Jacobine thinks erroneously, that it is lawful to kill his king[u]. The poor Damoiselle Faucette thinks it unlawful to spit in the church[v]; but it happened that one day she did it against her conscience; and the friar with his conscience and a long knife killed the king. If the question be here, who sinned most, the disparity is next to infinite, and the poor

[u] [See vol. vi. p. 284, and viii. 467.] [v] [vid. Bardum, discept. iii. cap. 5. § i. p. 102.]

woman was to be chidden for doing against her conscience, and the other to be hanged for doing according to his. Because the friar's error could not be invincible and inculpable, hers might; and in such questions, the effect of which is of so high concernment, because the errors in them are supreme and dangerous, the inquisition ought to be very great where there can be difficulty, and therefore the negligence is always intolerable, and it is malicious where the discovery is easy, as it is in these cases. And therefore in so different materials the case can no way be equal, because in one there is a greater light, a more ready grace, a perfect instruction, an evident provision, an open restraint, and a ready commandment.

§ 2. But when the effect of the questions are equal and not differenced by accidents, the rule is certain upon this reason: because a sin done against knowledge, is greater than a sin done ignorantly. He that sins against his conscience, sins against all his knowledge in that particular. But if he sins against a commandment, which he knows not to be such, he sins ignorantly, and therefore the more excusably. "But I found mercy," saith S. Paul, "for I did it ignorantly in unbelief[x]."

§ 3. Upon this account it comes to be the same kind, and the same degree of crime to sin against an erring, and to sin against a right conscience in the same instances. He that omits to hear divine service on a festival when he hath no reasonable impediment, and he who omits it upon a common day, which he erroneously supposes to be a festival, hath equally prevaricated the law of the church, and the analogy of the commandment of God on which this of the church is founded, they being equally against his rule by which he is to walk; and this error hath no influence upon the will or choice, but is wholly extrinsical to it. But this is to be understood in errors of fact, and such as are inculpable, and have no effect, and make no change in the will.

§ 4. And therefore in our penitential sorrows and expiations we need not be curious to make a difference of them which have the same formal malice; and if we be taught to make any, it may have this evil consequence in it, that we may love our ignorance, and flatter ourselves in our irregularities, which we think will not be so severely imputed, by reason of the error. If this be a great crime to disobey our conscience teaching us righteous and true propositions, it is on the other side also very great to suffer our conscience to be so misled, that a good action shall become criminal by such mistaking; so that besides the departing from our rule which is equal in both, they have their own superadded evil to weigh against each other.

[x] [1 Tim. i. 13.]

RULE V.

IT IS NOT LAWFUL TO DELIGHT IN AN EVIL ACTION (AFTER THE DISCOVERY OF OUR ERROR) WHICH WE DID INNOCENTLY IN AN ERRONEOUS CONSCIENCE.

§ 1. THE case is this; Quintus Hortensius[y] received a forged will of Minutius from some *hæredipetæ* or testamentary cheaters, and because they offered to verify it, and to give him a share, he defended the forgery and possessed his part; but when he afterwards perceived the cheat, and yet detained the purchase, he grew infamous. It was innocent till he knew it, but then it was criminal. He should not have pleased himself in it, because he should have restored it. But in this there is no question.

§ 2. 1) But when the possession or purchase may lawfully remain, there is some difference in the decision of the question. Spurinna[z] striking a stag, involuntarily and unwittingly kills his brother, and becomes rich by the inheritance. Here the man must separate the effect from its relation, and so proceed. The inheritance was a blessing, the accident was a misfortune; and if he may not rejoice in that, he may not give thanks for it, but as for a cross. But if he pleases himself in the way of his entrance to it, he had a mind ready to have killed his brother if he durst, or at least did secretly wish him dead, that he might openly have his living. In this there is no great difficulty to make the separation. God strikes a man with blindness, and gives him a good memory; he sighs for that, and rejoices for this. A little metaphysics makes this abstraction.

§ 3. 2) But concerning the act when it is discovered to have been evil, he is to have no other complacency, but because he did it ignorantly. He that suffers nocturnal pollution, if he finds a remedy by it, is to rejoice that himself suffered it involuntarily, that is, he may rejoice that he did not sin; and of the innocence of the joy, he can have no other testimony but by his hating the act in all cases in which it is a sin, and refusing to do it. But the French woman whom my L. Montaigne[a] speaks of, who having suffered a rape by divers soldiers, gave God thanks that without sin she had enjoyed pleasure, had a criminal joy, and delighted in the action, for the voluntary entertainment of which she only wanted an excuse.

§ 4. 3) If we consider the whole conjunction of things together, the evil act with the advantageous effect, we are to be indifferent to joy and sorrow, that is, to do neither directly, but to look on it as an

[y] [Cic. de offic., lib. iii. cap. 18.]

[z] [This case, as many others in the present work, is apparently derived, with the exception of the proper name, from the Disceptationes et conclusiones morales de conscientia, &c., of Bardus. See discept. iii. cap. 4, p. 100.]

[a] [lib. ii. cap. 3. tom. ii. p. 294, 8vo. Par. 1828.]

effect of the divine providence bringing good out of evil, and to fear lest a joy in the whole should entitle us too nearly to the sin by the relation of an after act and approbation; or lest we be so greedy of the effect that we be too ready to entertain the like upon terms equally evil, but less fortunate.

§ 5. 4) This is also to be understood only in such cases, in which we are not obliged to restitution. For if we rejoice in that effect which we ought to destroy, we recal the sin from the transient action, and make it dwell with the possession, and then the first involuntary error becomes a chosen rapine.

§ 6. 5) If the action was only materially, and therefore innocently, an error against a human law, and turns to our secular advantage, we are more at liberty to rejoice and please ourselves in the advantage; because human laws make no action intrinsically and essentially evil, but only relatively and extrinsically: and therefore the danger is not so great of polluting the conscience by the contact and mingling of the affections with the forbidden action. He that eats flesh in Lent [b] in those places and circumstances where it is forbidden, and did not remember it was Lent, or did not know it, and by so doing refreshes himself well, and does advantage to his health, may not be accused easily if he delights in the whole action, as it joins the error and the advantage. For besides the former reason, this also is considerable; that human laws not being so wise and excellent as divine laws do bend more easily and readily, that they may comply with the ends of charity and gentleness, and have in them a more apt dispensation, and almost offer themselves to go away, when a greater good comes in their room. But of this in its due place.

§ 7. 6) In actions materially evil against the divine laws, if the event cannot be clearly separated from the irregularity, the first innocent error is by the after-pleasure turned into a direct sin. Cneius Carbo lay with Lælia unwittingly [c], supposing her to be his wife Posthumia, but afterwards having discovered the error was pleased in the mistake, because he by the arts of fancy did by an after-thought represent to himself the change and the variety; and then he was adulterous. For to be pleased in the mistake which brings no advantage separable from the sin, is directly to choose the sin for the advantage sake; and this was Carbo's case.

[b] [Bardus, ibid. p. 101, et cap. 9, p. 114.] [c] [vid. Bardum, ibid. p. 100.]

RULE VI.

AN INNOCENT, OR INVINCIBLY ERRING CONSCIENCE, IS TO BE OBEYED EVEN AGAINST THE KNOWN COMMANDMENT OF OUR SUPERIORS.

§ 1. 1) AGAINST this S. Bernard [d] seems to argue earnestly: *Si tanto-pere cavenda sunt scandala parvulorum, quanto amplius prælatorum, quos sibi Deus æquare quodammodo in utraque parte dignatus, sibimet imputat illorum et reverentiam et contemptum? &c.* 'If with so great caution we must be careful that we do not offend any of God's little ones, how much more must we be curious to avoid giving offence to great ones, to our superiors, whom God seems in some manner to make equal to Himself, while the reverence or the contempt that is done to them, He takes unto Himself; saying, he that heareth you, heareth Me, and he that despiseth you, despiseth Me. But if you say that men may be deceived in their inquest after the will of God, and may deceive others in reporting it; what is that to thee who knowest not that they are deceived? especially since from scriptures thou art taught that 'the lips of the priest shall preserve knowledge, and they shall require the law at his mouth, because he is the angel of the Lord of hosts.'' To which discourse of S. Bernard, the following consideration may add some moment; and the discussing them may give light to the enquiry.

2) For in things indifferent the command of the superior must needs be accounted the will of God; for although our superiors are executioners of the divine laws, yet because they have also a legislative power, they who can alter nothing in things commanded or forbidden by God, must have a power to command or to forbid respectively in things indifferent, or not at all. And therefore in such things our conscience is bound to obey.

3) And if conscience be pretended against it, it is an error and ought to be laid down, for to follow this erring conscience engages us in sin all the way.

4) But as he that submits his understanding to the obedience of Jesus, pleases God most, even when he does it in defiance of all arguments and temptations to the contrary, which though he cannot answer, yet he resolves to follow Christ; so he does best who though his conscience pretend reasons against it, will yet lay aside those reasons that he may submit to his superiors.

5) For it is a great crime by rebelling against or slighting the command of our rulers, to give offence to whole societies of men; and there can be no greater contempt done to them, than by under-

[d] Lib. de præcept. et dispens. [cap. xii. col. 929 E.]

valuing their judgment to prefer our own; and therefore the prophet pronounces woe to them who are 'wise in their own eyes[e].'

6) But let a subject be never so wise, he ought not to judge his superior, or to condemn his sentence; and therefore he must be judged by it, and not by his own erring conscience.

7) For as he who hath made a vow of obedience, hath divested himself of all pretences of contradicting what shall be imposed; and if his conscience shall check him in the instance, he ought to look upon it as a temptation and use it accordingly; so must it be also in every subject, who by the laws of God is as much tied to obey his superior, as he can be by any law which he puts upon himself. The effect of these suggestions is this, that in things where the law of God hath not declared positively, an erring conscience is not to be attended to, but the law of the superior, and his sentence must be the guide of his conscience.

§ 2. To this discourse I answer in short,—That it is all very true, that the lawful superiors are God's vicegerents appointed over us in things pertaining to God, so as to be executioners of the divine laws; and besides this, to make laws in things indifferent and pertaining to men; that all contempt done to them is done to God; that it is scandalous to refuse obedience to them; that he is a proud man who says he is wiser than his superiors; and he is intolerable that prefers his private folly before the public wisdom: and therefore it is well inferred, that the error of an abused conscience ought to be laid down, and though he cannot in particular answer the arguments which trouble him, yet if he have reason to believe that though the arguments be too hard for him, yet that the superior's command is innocent; it were well if he would lay aside those arguments and adhere to authority.—Yet all this touches not the secret of the question. For,

§ 3. He that compares the law of conscience with the law of the superior, compares the law of God and the law of man; and the question is not whether a man should follow his superior or follow himself, but whether God or man be to be obeyed, whether the superior or the supreme be to be attended to? The reason of this is, because the conscience stands bound by the supposed law of God, which being superior to all the law of man must rather be obeyed; and therefore although the arguments conclude rightly that an erring conscience disobeying his superior's lawful command does sin greatly, yet they cannot conclude that he avoids sin by obeying against his conscience[f]. For his condition is indeed perplexed, and he can no way avoid sin, but by laying his error aside first, and then obeying. And since he sins whether he obeys his superior's just command, or the unjust command of his conscience, the enquiry is, in this sad conjunction of things, by what hand he must be smitten, on which side he must fall, that he may fall the easier? To this the rule

[e] [Isa. v. 21.] [f] [Bardus, ubi supra, p. 103.]

answers, that his erring conscience must be obeyed rather, because he is persuaded that God speaks there, and is not persuaded that God speaks by his superior. Now though in this he be deceived, yet he that will not go there where he thinks God is, and leave that where he thinks God is not, does uncertainly go towards God, but does certainly forsake Him, as much as lies in him. For,

§ 4. It is to the conscience all one as if the law of God were really upon it, if it be thought it is. *Idem est esse et apparere* in this case, and therefore the erring conscience is to be attended to, because the will and the affections are for God, though the judgment hath mistaken a glow-worm for the sun. But this is to be understood only, when the conscience errs innocently and unavoidably, which it can never do in the precepts of nature and brightest revelation.

§ 5. But if the conscience does err vincibly, that is, with an actual fault, and an imperfect, artificial resolution, such a one as a good man will not, and a wise man need not have, his present persuasion excuses him not from a double sin, for breaking a double duty. For he is bound to correct his error, and to perform the precepts of his superior, and if he does not, his sin is more than that which was in the vicious cause of his mispersuasion, as I shewed in the explication of the former rules.

§ 6. But according as the ignorance and error approaches towards pity, lessening or excusing, so the sin also declines. He that thinks it is not lawful at all to take up arms at the command of his prince in an unjust, or a dubious cause, sins if he does what he thinks so unlawful, and he commits no sin in disobeying, that only excepted which entered into his mispersuasion, which is greater or less, or next to none at all, according as was the cause of his error, which in the whole constitution of affairs, he could not well avoid. But he that is foolishly persuaded that all government is unlawful and antichristian, is bound to lay his error down, and besides the vicious cause of his error, he sins in the evil effect of it, though his imperfect equivocal conscience calls on him to the contrary, yet he sins if he does not obey, because in such notorious and evident propositions an error is not only malicious in the principle, but voluntary all the way; and therefore may easily, and must certainly be laid aside in every period of determination.

Whatsoever cases are between these, partake of the extremes according to their proper reason and relation.

RULE VII.

THE ERROR OF AN ABUSED CONSCIENCE OUGHT TO BE REFORMED, SOMETIMES BY THE COMMAND OF THE WILL, BUT ORDINARILY BY A CONTRARY REASON.

§ 1. 1) If the error did begin upon a probable reason, it cannot be reformed but by a reason seeming equal to it, because a less reason hath not naturally the same efficacy with a greater, and to assent to a less probability against a greater is to do against reason, against all that by which this lesser reason is outweighed [g]. For in this case the will can have no influence, which not being a cognoscitive and discoursing faculty, must be determined by its own motives when it is not determined by reason, that is, by the motives of understanding. Now the motives of will when it is not moved by right reason, are pleasure and profit, ambition and revenge, partiality and pride, chance or humour; and how these principles can disabuse a conscience is very hard to understand, how readily and certainly they do abuse it is not hard. Whether the stars be even or odd [h]? whether the soul be generated, or created and infused? whether it be lawful to fight or rail against a prince,—what hath the will to do with it? If the will meddles, and makes the resolution, it shall be determined, not as it is best, but as it falls out by chance, or by evil or by vain inducements. For in the will there is no argument good but reason; I mean both in the matter of nature and of grace, that is, reason changed into a motive, and an instrument of persuasion from whatsoever inducing principle.

§ 2. 2) Some [i] have affirmed that the error of a conscience may fairly be deposed upon any probable argument though of less persuasion; which if it could be admitted, would give leave for a man to choose his side as he pleases, because in all moral things as dressed with circumstances it is very easy to find some degrees of probability, but very difficult to find a case against which nothing can be disputed. And therefore if it happens that a man be better persuaded of his error than of the contrary truth, that truth cannot be chosen wisely, nor the error honestly deposed, because it is done against the way of a man, not absolutely, but comparatively against reason.

§ 3. 3) If the reason on both sides seems equally probable, the will may determine by any of its proper motives that are honest; any prudent interest, any fair compliance, any custom, in case these happen to be on the right side. When the arguments seem equal, the understanding or conscience cannot determine. It must either

[g] Vide cap. 4.

[h] [Bardus; vid. not. seq.]

[i] Sanchez [Johannes Abulensis], select. disp. xli., num. 27, [p. 262, fol. Lugd. 1636.] Merolla, Bassæus in florileg. verb. conscientia, nu. 14. [Cited by] Bardus de conscientia, discept. iii. cap. 11. [p. 120.]

be a chance, and a special providence of God, or a particular grace that casts us on the right side. But whatsoever it be that then determines us to the right, if of itself it be innocent, it is in that case an effect of God's grace, and an apt instrument of a right conscience.

§ 4. 4) When the conscience is erroneous, and the error unreasonable, commenced wholly upon interest, trifling regards, or vicious principles, the error may be deposed honestly, though there be no reason thought of to the contrary, besides the discovery of the first abuse. The will in this case is enough. *Volo servare animam meam*, said one[k]; 'I will, I am resolved to save my own soul.' A man may and ought to hate the evil principle of his error, and decline it upon the stock of indignation, which in this case is a part of repentance. And this insinuates the reason of this discourse. For,

§ 5. Repentance is founded principally in the will, and whatsoever a man is to leave upon the stock of repentance, he may do it wholly upon the stock of his will, informed or inclined by general propositions, without any cognizance of the particulars of the present question. Eratosthenes coming amongst the Persian magi, and observing their looser customs of marrying their sisters and their mothers, falls in love with his half sister Lampra and marries her. A while after perceiving that he entered upon this action upon no other account but lust, and fancy, and compliance with the impurer magi, began to hate his act for the evil inducement, and threw away her and his folly together. This he might do without any further reasonings about the indecency of the mixture, by perceiving that a crime or a folly stood at the entrance and invited him to an evil lodging. He that begins without reason, hath reason enough to leave off, by perceiving he had no reason to begin; and in this case the will is the great agent, which therefore here is no ill principle, because it leaves the error upon the stock of grace and repentance[l].

§ 6. 5) If the will entertained the error without any reason at all, as oftentimes it does, it knows not why; she may also depose it honestly without any reason relating to the particular, upon this general, that it could not make the action to be conscientious to have it done without any inducement. But then the taking up the contrary truth upon as little reason is innocent, because it happens to be on the right side; but it is not virtue nor conscience till it be persuaded by something that is a fit inducement either in the general or in the particular.

[k] [Pelag. apud Rosweyd. vitt. patr. lib. iii. § 216. p. 405, et lib. v. p. 431; referred to in vol. iv. p. 14.]

[l] Vide chap. iv. rule 5.

RULE VIII.

THE ERROR OF A CONSCIENCE IS NOT ALWAYS TO BE OPENED TO THE ERRING PERSON BY THE GUIDES OF SOULS, OR ANY OTHER CHARITABLE ADVISER.

§ 1. If the error began with a sin, and still dwells there upon the same stock, or if it be productive of a sin, it is always to be discovered, though the greatest temporal inconvenience were certainly consequent to the discovery. Because a man must not be suffered to lie in sin, no not a minute, if he can be recovered or rescued from it; and no temporal advantage or disadvantage can be considerable in this case, which is the case of a soul. An error that is vincible is all the way criminal and must not be permitted.

§ 2. If the error be invincible and innocent or pitiable in the cause, and yet ends in an intolerable event, and the effect be a crime or a great danger to souls, the error must be discovered by them that can. The Novatians erred in the matter of repentance: the inducing cause of their error was an over-active zeal, and too wary a tenderness in avoiding scandal and judging concerning it. God served the ends of His glory by the occasion of that error, for He uses to bring good out of every evil; and the church under a better article grew as wary as the Novatians, as watchful against scandal, as severe against lapsed persons. Now although in this case the error was from an innocent cause, yet because it landed them upon a course of discipline, and persuasion that was not innocent, they were not to be permitted in their error, though the dissolution of the error might or would have occasioned the remission of discipline. For their doctrine of repentance was dishonourable to the mercies of God, an instrument of despair, a rendering the power of the keys and the ministry of the order ecclesiastical in a manner wholly useless, and would if it were pursued to its just consequents have hindered repenting sinners to revert to the folds of the church; and therefore for the accidental good which God brought, or which was likely to have come from that error or the innocence of its principle, it was not to be concealed, but reproved and destroyed because it dwelt in sin. He that believes that repentance to be sufficient which hath in it nothing but sorrow for what is past, and a present purpose without amendment really in the future, upon no pretence is to be complied withal in the palliation of his error, because the consequent of his error is such a danger, or such a state of sin, for which nothing can make amends.

§ 3. If the error be invincible, and the consequent of the persuasion be consistent with the state of grace, the error must be opened or not opened, according to prudent considerations relating to the person and his state of affairs. So that the error must rather be suffered than a grievous scandal, or an intolerable, or a very great

inconvenience. To this purpose Comitolus[m] says it was determined by a congregation of learned and prudent persons in answer to a strange and a rare case happening in Venice. A gentleman ignorantly did lie with his mother; she knew it, but intended it not, till for her curiosity and in her search whether her son intended it to her maid, she was surprised and gotten with child. She perceiving her shame and sorrow hasten, sent her son to travel for many years; and he returned not till his mother's female birth was grown to be a handsome pretty maiden. At his return he espies a sweet-faced girl in the house, likes her, loves her, and intends to marry her. His mother conjured him by all that was sacred and profane that he should not, saying, she was a beggar's child, whom for pity's sake she rescued from the streets and beggary, and that he should not by dishonouring his family make her to die with sorrow. The gentleman's affections were strong, and not to be mastered, and he marries his own sister and his own daughter. But now the bitings of the mother's conscience were intolerable, and to her confessor she discovered the whole business within a year or two after this prodigious marriage, and asked whether she were bound to reveal the case to her son and daughter, who now lived in love and sweetness of society, innocently, though with secret misfortune which they felt not. It was concluded negatively, she was not to reveal it, lest she bring an intolerable misery in the place of that which to them was no sin; or lest upon notice of the error they might be tempted by their mutual endearment and their common children, to cohabit in despite of the case, and so change that into a known sin, which before was an unknown calamity; and by this state of the answer, they were permitted to their innocence, and the children to their inheritance, and all under the protection of a harmless, though erring and mistaken conscience.

§ 4. If it be doubtful whether more good or hurt may be consequent to the discovery, it is better to conceal it. Because it is more tolerable to have a good omitted, than to have an evil done. That may sometimes be lawful, this can never; and a known evil that is not a sin is rather to be admitted than an unknown, which no man can tell whether it will arrive. But in this, the prudence of a good and a wise man is to be his only guide, and God's glory his only measure, and the public good, and the greater concernments of the interested be chiefly regarded.

[m] [Respons. moral., lib. i. quæst. 112. p. 245. ed. 4to. Lugd. 1609.]

CHAP. IV.

OF THE PROBABLE, OR THINKING CONSCIENCE.

RULE I.

A PROBABLE CONSCIENCE IS AN IMPERFECT ASSENT TO AN UNCERTAIN PROPOSITION, IN WHICH ONE PART IS INDEED CLEARLY AND FULLY CHOSEN, BUT WITH AN EXPLICIT OR IMPLICIT NOTICE THAT THE CONTRARY IS ALSO FAIRLY ELIGIBLE.

§ 1. A PROBABLE conscience dwells so between the sure and the doubtful that it partakes something of both. For a sure conscience may begin upon a probable inducement, but is made sure either by an assent to the conclusion, stronger than the premises will infer, or by a reflex act, or some other collateral hardness and adventitious confidence, and therefore the probable is distinguished from that by the imperfection of the assent. But because in that respect it approaches to the doubtful, and in that is alike, it is differenced from this by the determination. For a doubtful conscience considers the probabilities on each side, and dares not choose, and cannot. But the probable does choose, though it considers that in the thing itself there can be no certainty. And from them both it is distinguished by the intervening of the will. For in the sure conscience the will works not at all, because it is wholly conducted by the understanding, and its proper motives. In the doubtful the will cannot interpose by reason of fear and an uncertain spirit; but in the probable it can intervene, not directly, but collaterally and indirectly, because the motives of the probable conscience are not always sufficient to make the conclusion without something of the will applied to extrinsical motives which reflect also upon the understanding; and yet in this conscience there is no fear, and therefore the will can here be obeyed, which in the first it needs not, in the last it cannot. For it is remarkable, that a probable conscience though it be in speculation uncertain, yet it may be practically certain, that is, he that believes his opinion to be probable, cannot but think that it is possible he may be in an actual error, but yet he may know that it is innocent to do that for which he hath a probable reason; for though in all these cases he

may choose that which is the wrong part, yet he proceeds as safely as if he had chosen right, for if it were not safe to do that which is only probable, then nothing could be done till something were demonstrated; and then in moral theology we should often stand still and suspend our act, but seldom do anything; nay, sometimes we should neither act nor suspend, it being but probable that either is to be chosen. Yea, sometimes it happens what Aristotle said, that false things are made more probable than true, as it is to all them who are innocently and invincibly abused; and in this case, if probability were not a sufficient conviction of conscience, such persons could not honestly consent to truth. For even wise men disagree in their sentences of truth and error, and after a great search, scarcely do they discover one single truth unto just measures of confidence; and therefore no other law could be exacted for human actions, than an opinion honestly entered into, and a probable conscience. And it is remarkable that Cicero[n] saith that the word *arbitror* is *verbum consideratissimum*, and the old Romans were reserved and cautious in the decrees of judges, and the forms of their oath began with *arbitror*, although they gave testimony of things whereof they were eye-witnesses; and the words which their prætors did use in their sentences, was *fecisse videtur*, or *non videtur*. "He that observeth the winds shall not sow, and he that watcheth the clouds shall never reap[o];" which means, that if we start at every objection, and think nothing safe but what is certain, and nothing certain but what can be demonstrated, that man is over wise and over just, and by his too curious search misses what he enquires for. Λέγοιτο δ' ἂν ἱκανῶς εἰ κατὰ τὴν ὑποκειμένην ὕλην διασαφηθείη, 'that is well enough proved, that is proved according to the subject matter.' For there is not the same exactness to be looked for in all disciplines, any more than in all manufactures. But in those things which are honest and just, and which concern the public, τοσαύτην ἔχει διαφορὰν καὶ πλάνην, 'there is so much dissension and deception,' that things are good or bad not by themselves, but as they are in law; πεπαιδευμένου οὖν ἐστὶν ἐπὶ τοσοῦτον τ' ἀκριβὲς ἐπιζητεῖν καθ' ἕκαστον γένος, ἐφ' ὅσον ἡ τοῦ πράγματος φύσις ἐπιδέχεται· 'he is well instructed who expects that manner of proof for things, which the nature of the things will bear,' said Aristotle[p]. And in moral things, it is sufficient that a thing is judged true and certain, though by an uncertain argument; and the opinion may be practically certain, when the knowledge of it is in speculation only probable.

§ 2. It hath two sorts of motives, intrinsical and extrinsical. That is reason, this is authority, and both of them have great considerations in order to practice, of which I am to give account in the following rules.

[n] [Pro Font., cap. ix.] [o] [Eccl. xi. 4.]
[p] Ethic. Nic., lib. i. cap. I. [tom. ii. p. 1094.]

RULE II.

A CONSCIENCE THAT IS AT FIRST, AND IN ITS OWN NATURE PROBABLE, MAY BE MADE CERTAIN BY ACCUMULATION OF MANY PROBABILITIES OPERATING THE SAME PERSUASION.

§ 1. EVERY probable argument hath in it something of persuasion and proof, and although it cannot produce evidence and entire conviction to a wise and a discerning spirit, yet it can effect all that it ought; and although, if the will list, or if passions rule, the understanding shall be made stubborn against it, and reject it easily; yet if nothing be put in bar against it, it may bring a man to adhere to it beyond the evidence. But in some cases there are a whole army of little people, heaps of probable inducements which the understanding amasses together, and from every side gathers all that can give light and motion to the article in question, it draws auxiliaries from every thing, fights with every weapon, and by all means pursues the victory; it joins line to line, and precept to precept, reason to reason, and reason to authority; the sayings of wise men with the proverbs of the people; consent of talkers, and the arguings of disputers; the nature of the thing, and the reasonableness of its expectations; the capacities and possibilities of men, and of accidents; the purposes and designs, the usefulness, and rewards; and by what all agents are and ought to be moved: customs are mingled with laws, and decencies with consideration of profit; the understanding considers the present state and heap of circumstances, and by prudence weighs every thing in its own balance; it considers the consequent of the opinion it intends to establish, and well weighs the inconvenience of the contrary. But from the obscurity and insufficiency of these particulars, there cannot come a perfect light; if a little black be mingled with white, the product must have something of every influence that can be communicated from its principle, or material constitution; and ten thousand millions of uncertains cannot make one certain.

§ 2. In this case the understanding comes not to any certainty by the energy of the motives and direct arguments of probability, or by the first effort and impresses of their strength, but by a particular reflection which it makes upon the heap, and by a secondary discoursing extracted from the whole, as being therefore convinced, because it believes it to be impossible that so many considerations, that no way conspire either in matter or design, should agree in the production of a lie. It is not likely that so many beams of light should issue from the chambers of heaven for no other reason but to lead us into a precipice. Probable arguments and prudential motives

are the great hinges of human actions, for as a pope once said, 'It is but a little wit that governs the world;' and the uncertainty of arguments is the great cause of contingency in events; but as uncertain as most counsels are, yet all the great transactions of the affairs of the world are resolved on and acted by them; by suspicions and fears and probable apprehensions infinite evils are prevented; and it is not therefore likely to be an error by which so perpetually so many good things are procured and effected. For it were a disparagement to the wise providence of God, and a lessening the rare economy of the divine government that He should permit almost all the world, and all reiglements [p], the varieties of event, and all the changes of kingdoms, and all counsels and deliberations, to be conducted by moral demonstrations, and to be under the power of probabilities, and yet that these should be deceitful and false. Neither is it to be imagined that God should permit wise men, and good, men that on purpose place their reason in indifference, that abate of their heats and quench their own extravagant fires, men that wipe away all clouds and mists from their eyes, that they may see clearly, men that search as they ought to do for things that they are bound to find, things that they are commanded to search, and upon which even all their interests depend, and yet enquiring after the end whither they are directed, and by what means it is to be acquired; that these men should be inevitably abused by their own reason, by the best reason they have; and that when concerning the thing which cannot be demonstrated by proper and physical arguments, yet we are to enter into a persuasion so great, that for the verification of it men must venture their lives and their souls;—I say, if this kind of proof be not sufficient to effect all this, and sufficiently to assure such men, and competently to affirm and strengthen such resolutions, salvation and damnation must be by chance, or, which is worse, it must be impossible to be well, but when it cannot choose to be otherwise; and this I say is not to be imagined that God will or does permit, since all these entercourses so much concern God's glory and our eternal interest. The main events of heaven and hell do in some regards depend, as to us, upon our faith, whose objects are represented with such lights from God and right reason as are sufficient to persuade, not to demonstrate; they are such which leave something to us of choice and love, and every proposition of scripture though it be as sure, yet it is not so evident as the principles of geometry; and the Spirit of God effects His purposes with an influence as soft and placid as the warmth of the sun, while a physical demonstration blows hard and high as the north wind; indeed a man must use rudeness if he does not quit his garment at so loud a call, but we are more willing to part with it when the sun gently requires us: so is a moral demonstration, it is so humane, so persuasive, so complying with the nature and infirmities of man, with the actions of his life and his manner of ope-

[p] [Sic edd.]

ration, that it seems to have been created on purpose for the needs and uses of man in this life, for virtue and for hopes, for faith and for charity, to make us to believe by love, and to love by believing, for in heaven they that see and love, cannot choose but love, and see, and comprehend; for it is a reward and fills all their faculties, and is not possessed by us, but itself possesses us. In this world where we are to do something ourselves, though all by the grace of God, that which we do of ourselves is nothing else but to work as we ourselves can, which in deed happens to be in propositions, as it is in the love of God, this cannot fail us, but we may fail of it; and so are the sentences of religion infallible in themselves, but we may be deceived, while by a fallible way we proceed to infallible notices; for nothing else could endear our labour and our love, our search and our obedience; and therefore this must be sufficient and acceptable, if we do what we can: but then this also will secure our confidence, and in the noises of christendom when disputing fellows say their brother is damned for not believing them, we need not to regard any such noises, if we proceed prudently as we can, and honestly as we ought; probable motives of our understanding are our sufficient conduct, and then we have this warrant, "Brethren, if our hearts condemn us not, then have we peace towards God[q]." And God would never have inspired His church with prudence, or made any such virtue, if the things which were put under the conduct of it, that is, probabilities, were not instrumental to the service of God, and to the verification of all its just and proper productions.

§ 3. Probable arguments are like little stars, every one of which will be useless as to our conduct and enlightening; but when they are tied together by order and vicinity, by the finger of God and the hand of an angel, they make a constellation, and are not only powerful in their influence, but like a bright angel to guide and to enlighten our way. And although the light is not great as the light of the sun or moon, yet mariners sail by their conduct; and though with trepidation and some danger, yet very regularly they enter into the haven. This heap of probable inducements is not of power as a mathematical and physical demonstration, which is in discourse as the sun is in heaven, but it makes a milky and a white path, visible enough to walk securely.

§ 4. And next to these tapers of effective reason, drawn from the nature and from the events, and the accidents and the expectations and experiences of things, stands the grandeur of a long and united authority: the understanding thus reasoning, that it is not credible that this thing should have escaped the wiser heads of all great personages in the world, who stood at the chairs of princes, or sat in the ruler's chair, and should only appear to two or three bold, illiterate, or vicious persons, ruled by lusts, and overruled by evil habits; but in this we have the same security and the same confidence that timorous persons have in the dark; they are pleased and can see

[q] [1 John iii. 21.]

what is and what is not if there be a candle, but in the dark they are less fearful if they be in company.

§ 5. This way of arguing some are pleased to call a moral demonstration, not that it can make a proposition clear and bright, and quit from clouds and obscurity, as a natural demonstration can, for I may in this case use Aristotle's saying, τοῦτο μὲν ἀληθὲς, ἀλλ' οὐ σαφὲς, 'things of this nature may be very true, but are not very evident;' but it can produce the same effect, that is, it can lead into truth, not with as much brightness, but with as much certainty and infallibility in the event of things. For a man may as prosperously and certainly arrive at his journey's end though but conducted by him that went the way but once before him, as if he had a straight path walled in on both sides; so may we find truth as certainly by probabilities, as by demonstrations: we are not so sure that we find it, but it is oftentimes as surely found. And if the heap arrive at that which we call a moral demonstration, it is as certain that no moral demonstration can be opposed against it, as that no natural demonstration can be brought in contradiction to a natural. For the understanding cannot call any thing a moral demonstration, till by considering the particulars on both sides, the reasonableness of one, and the unreasonableness of the other, with a cold scent, and liberty of spirit, and an unbiassed will, it hath passed the sentence for the truth; and since in this case all the opposition is between strength and power on one side, and weakness and pretence on the other, it is impossible that the opposite parts should be demonstrations or seem so to the same man. And this appears by this also, that some propositions which are only proved by a conjugation of probable inducements, have yet obtained as certain and as regular events as a natural demonstration, and are believed equally, constantly, and perpetually by all wise men, and the understanding does regularly receive the same impression, and give the same assent, and for ever draws forth the same conclusions when it is not abused with differing prejudices and pre-occupations, when its liberty and powers are not enfeebled with customs, example and contrary breeding, while it is not bribed by interest, or hurried away by passion.

§ 6. Of this I shall choose to give one instance, which as it is of the greatest concernment in the world in itself, so the gay impieties and bold wits of the world who are witty against none more than God and God's wisdom, have made it now to be but too seasonable, and that is, that the religion of Jesus Christ, or the christian religion is from God; concerning which I will not now pretend to bring in all the particulars whereby each part of it can be verified, but by heaping together such heads of probabilities which are or may be the cause of an infinite persuasion, and this I had rather choose to do for these reasons:

§ 7. 1) Because many men excellently learned have already discoursed largely of the truth of christianity, and approved by a direct

and close congression with other religious, by examination of the contrary pretences, refutation of their arguments, answering their objections, and have by direct force so far prevailed, that all the reason of the world appears to stand on the christian side; and for me to do it now, as there is no just occasion ministered by this argument, so neither can it be useful and necessary.

§ 8. 2) In that way of arguing, every man that is an adversary can answer one argument, and some can reprove many, and none can prevail singly to possess all the understanding, and to fill all the corners of consideration, but in a moral demonstration that can be supplied.

§ 9. 3) In the other way an adversary supposes himself to prevail when he can answer the arguments singly, and the discourses in that method are like the servants sent singly to gather fruits of the husbandmen, they killed them as fast as they came, and a man may kill a whole kingdom over, if the opponents come by single persons; but a moral demonstration is like an army which can lose single persons and yet prevail, but yet cannot be beaten unless it be beaten all.

§ 10. 4) The few little things that atheistical persons prate against the holy Jesus and His most excellent religion, are infinitely outweighed by the multitude and variety of things to be said for it; and let the others stand (as if they meet with persons that cannot answer them) yet they are sure this greater ought to prevail, because it possesses all the corners of reason, and meets with every instance, and complies with the manner of a man, and is fitted to the nature of things, and complies with the will, and persuades the understanding, and is a guard against the tricks of sophisters, and does not only effect its purpose by direct influence, but is secured by reflection upon itself, and does more by its indirect strength, and by a back blow, than by its first operations; and therefore,

§ 11. This instance and this way of argument may be of more use to those persons who cannot so dispute, but they are apt to be abused by little things, by talkings and imperfect arguings; it may be a defensative against trifling objections, and the impious pratings of the *nequam ingeniosi*, 'the witty fools,' while the men are armed by love and prudence and wise securities to stand with confidence and piety against talkings and intrigues of danger; for by this way best, "Wisdom is justified of all her children[r]."

AN INSTANCE OF MORAL DEMONSTRATION, OR A CONJUGATION OF PROBABILITIES, PROVING THAT THE RELIGION OF JESUS CHRIST IS FROM GOD[s].

§ 12. This discourse of all the disputables in the world, shall require the fewest things to be granted; even nothing but what was

[r] [Luke vii. 35; Matt. xi. 19.]

[s] [In Richard Hooker's Weekly Mis-

evident, even nothing but the very subject of the question, viz., that there was such a man as Jesus Christ, that He pretended such things and taught such doctrines: for he that will prove these things to be from God, must be allowed that they were from something or other. But this postulate I do not ask for need, but for order's sake and art; for what the histories of that age reported as a public affair, as one of the most eminent transactions of the world, that which made so much noise, which caused so many changes, which occasioned so many wars, which divided so many hearts, which altered so many families, which procured so many deaths, which obtained so many laws in favour, and suffered so many rescripts in the disfavour of itself; that which was not done in a corner, but was thirty-three years and more in acting; which caused so many sects, and was opposed by so much art, and so much power that it might not grow; which filled the world with noise; which effected such great changes in the bodies of men by curing the diseased, and smiting the contumacious or the hypocrites; which drew so many eyes, and filled so many tongues, and employed so many pens, and was the care and the question of the whole world at that time, and immediately after; that which was consigned to public acts and records of courts, which was in the books of friends and enemies, which came accompanied and remarked with eclipses and stars and prodigies of heaven and earth; that which the Jews even in spite and against their wills confessed, and which the witty adversaries intending to overthrow, could never so much as challenge of want of truth in the matter of fact and story; that which they who are infinitely concerned that it should not be believed, or more, that it had never been, do yet only labour to make to appear not to have been divine;—certainly, this thing is so certain that it was, that the defenders of it need not

cellany, No. 41, vol. i. p. 342, 8vo. Lond. 1736, (by Dr. William Webster, so Nichols' Literary Anecdotes, vol. ii. p. 36, and v. p. 161, 2, ed. 8vo. Lond. 1812-3,) this Moral Demonstration is introduced with the following preface:—"I have been informed that on his death-bed (Lord Herb[er]t of C[her]b[ur]y) was very desirous of receiving the sacrament from the hands of an eminent divine, who had the honest courage to refuse him his request, unless he would recant the books he had wrote in prejudice of religion. But that was a sacrifice too great to be made by a heart so full of pride and vanity. He could not consent thus halt and thus maimed to enter into the kingdom of heaven; and thus it is easier for some men to slay their real children, than to destroy those offsprings of their wit, which with more than motherly tenderness they have nursed up as the darlings of their soul. The fond obstinacy however of this noble person produced one good effect: it put the eminent divine, his friend, upon considering how to spread an antidote as wide as his poison, and upon supplying those readers who were not capable of pursuing the stricter methods of reasoning, with such a series of moral probability, strong in themselves, and many in number, as might be an immovable basis for their future belief, though they might not be able to unravel every difficulty with which ingenious men can perplex this or any other argument. How well he has succeeded must be left to the world to judge: but I am not apprehensive that I need ask any favour in his behalf, unless it be some allowance for the peculiarities of his style, which eighty years ago perhaps wanted no excuse."]

account it a kindness to have it presupposed; for never was any story in the world that had so many degrees of credibility, as the story of the person, life, and death of Jesus Christ. And if He had not been a true prophet, yet that He was in the world, and said and did such things cannot be denied; for even concerning Mahomet we make no question but he was in the world, and led a great part of mankind after him, and what was less proved we infinitely believe; and what all men say, and no man denies, and was notorious in itself, of this we may make further inquiries whether it was all that which it pretended, for that it did make pretences and was in the world, needs no more probation.

§ 13. But now whether Jesus Christ was sent from God and delivered the will of God, we are to take accounts from all the things of the world which were on Him, or about Him, or from Him. Consider first His person: He was foretold by all the prophets: He, I say, (for that appears by the event, and the correspondencies of their sayings to His person), He was described by infallible characterisms which did fit Him, and did never fit any but Him; for when He was born, then was the fulness of time, and the Messias was expected at the time when Jesus did appear, which gave occasion to many of the godly then to wait for Him, and to hope to live till the time of His revelation: and they did so, and with a spirit of prophecy which their own nation did confess and honour, glorified God at the revelation: and the most excellent and devout persons that were conspicuous for their piety did then rejoice in Him, and confess Him; and the expectation of Him at that time was so public and famous, that it gave occasion to divers impostors to abuse the credulity of the people in pretending to be the Messias; but not only the predictions of the time, and the perfect synchronisms did point Him out, but at His birth a strange star appeared, which guided certain Levantine princes and sages to the enquiry after Him; a strange star which had an irregular place and an irregular motion, that came by design, and acted by counsel, the counsel of the almighty guide, it moved from place to place, till it stood just over the house where the babe did sleep; a star of which the heathen knew much, who knew nothing of Him; a star which Chalcidius[t] affirmed to have signified the descent of God for the salvation of man; a star that guided the wise Chaldees to worship Him with gifts, as the same disciple of Plato does affirm[u], and as the holy scriptures deliver. And this star could be no secret; it troubled all the country; it put Herod upon strange arts of security for His kingdom; it effected a sad tragedy accidentally, for it occasioned the death of all the little babes in the city and voisinage of Bethlehem. But the birth of this young child which was thus glorified by a star, was also signified by an angel, and was effected by the holy Spirit of God, in a manner which was in itself supernatural: a virgin was His mother, and God was

[t] [In Platon. Tim. p. 219.] [u] [ibid.]

His Father, and His beginning was miraculous; and this matter of His birth of a virgin was proved to an interested and jealous person, even to Joseph the supposed father of Jesus; it was affirmed publicly by all His family, and by His disciples, and published in the midst of all His enemies, who by no artifice could reprove it; a matter so famous, that when it was urged as an argument to prove Jesus to be the Messias, by the force of a prophecy in Isaiah [x], "A virgin shall conceive a son," they who obstinately refused to admit Him, did not deny the matter of fact, but denied that it was so meant by the prophet, which if it were true, can only prove that Jesus was more excellent than was foretold by the prophets, but that there was nothing less in Him than was to be in the Messias; it was a matter so famous that the Arabian physicians who can affirm no such things of their Mahomet, and yet not being able to deny it to be true of the holy Jesus, endeavour to elevate and lessen the thing, by saying, it is not wholly beyond the force of nature, that a virgin should conceive [y]; so that it was on all hands undeniable that the mother of Jesus was a virgin, a mother without a man. This is that Jesus at whose presence before He was born, a babe in his mother's belly also did leap for joy, who was also a person extraordinary himself, conceived in his mother's old age, after a long barrenness, signified by an angel in the temple to his father officiating his priestly office, who was also struck dumb for his not present believing: all the people saw it, and all his kindred were witnesses of his restitution, and he was named by the angel, and his office declared to be the forerunner of the holy Jesus; and this also was foretold by one of the old prophets; for the whole story of this divine person is a chain of providence and wonder, every link of which is a verification of a prophecy, and all of it is that thing which from Adam to the birth of Jesus was pointed at and hinted by all the prophets, whose words in Him passed perfectly into the event. This is that Jesus who as He was born without a father, so He was learned without a master; He was a man without age, a doctor in a child's garment, disputing in the sanctuary at twelve years old. He was a sojourner in Egypt, because the poor babe born of an indigent mother was a formidable rival to a potent king, and this fear could not come from the design of the infant, but must needs arise from the illustriousness of the birth, and the prophecies of the child, and the sayings of the learned, and the journey of the wise men, and the decrees of God; this journey and the return were both managed by the conduct of an angel and a divine dream, for to the Son of God all the angels did rejoice to minister. This blessed person made thus excellent by His Father, and glorious by miraculous consignations, and illustrious by the ministry of heavenly spirits, and proclaimed to Mary and to Joseph by two angels, to the shepherds by a multitude of the heavenly host, to the wise man by a prophecy and by a star, to the Jews by

[x] [vii. 14.] [y] [Compare p. 72 above.]

the shepherds, to the gentiles by the three wise men, to Herod by the doctors of the law, and to Himself perfectly known by the inchasing His human nature in the bosom and heart of God, and by the fulness of the Spirit of God, was yet pleased for thirty years together to live an humble, a laborious, a chaste and a devout, a regular and an even, a wise and an exemplar, a pious and an obscure life, without complaint, without sin, without design of fame or grandeur of spirit, till the time came that the clefts of the rock were to open, and the diamond give its lustre, and be worn in the diadems of kings: and then this person was wholly admirable; for He was ushered into the world by the voice of a loud crier in the wilderness, a person austere and wise, of a strange life, full of holiness and full of hardness, and a great preacher of righteousness, a man believed by all the people that he came from God, one who in his own nation gathered disciples publicly, and (which amongst them was a great matter) he was the doctor of a new institution, and baptized all the country; yet this man so great, so revered, so followed, so listened to by king and people, by doctors and by idiots, by pharisees and sadducees, this man preached Jesus to the people, pointed out the Lamb of God, told that He must increase, and himself from all that fame must retire to give Him place; he received Him to baptism after having with duty and modesty declared his own unworthiness to give, but rather a worthiness to receive baptism from the holy hands of Jesus; but at the solemnity God sent down the holy Spirit upon His holy Son, and by a voice from heaven, a voice of thunder (and God was in that voice) declared that this was His Son, and that He was delighted in Him. This voice from heaven was such, so evident, so certain a conviction of what it did intend to prove, so known and accepted as the way of divine revelation under the second temple, that at that time every man that desired a sign honestly, would have been satisfied with such a voice; it being the testimony by which God made all extraordinaries to be credible to His people from the days of Ezra to the death of the nation; and that there was such a voice, not only then, but divers times after, was as certain, and made as evident as things of that nature can ordinarily be made. For it being a matter of fact, cannot be supposed infinite, but limited to time and place, heard by a certain number of persons, and was as a clap of thunder upon ordinary accounts, which could be heard but by those who were within the sphere of its own activity; and reported by those to others, who are to give testimony as testimonies are required, which are credible under the test of two or three disinterested, honest, and true men, and though this was done in the presence of more, and oftener than once, yet it was a divine testimony but at first, but is to be conveyed by the means of men; and as God thundered from heaven at the giving of the law, though that He did so we have notice only from the books of Moses received from the Jewish nation; so He did in the days of the Baptist, and so He did

to Peter, James, and John, and so He did in the presence of the pharisees and many of the common people; and as it is not to be supposed that all these would join their divided interests for and against themselves for the verification of a lie, so if they would have done it, they could not have done it without reproof of their own parties, who would have been glad by the discovery only to disgrace the whole story; but if the report of honest and just men so reputed may be questioned for matter of fact, or may not be accounted sufficient to make faith when there is no pretence of men to the contrary, besides that we can have no story transmitted to us, no records kept, no acts of courts, no narratives of the days of old, no traditions of our fathers; so there could not be left in nature any usual instrument whereby God could after the manner of men declare His own will to us, but either we should never know the will of heaven upon earth, or it must be that God must not only tell it once but always, and not only always to some men, but always to all men; and then as there would be no use of history, or the honesty of men, and their faithfulness in telling any act of God in declaration of His will, so there would be perpetual necessity of miracles, and we could not serve God directly with our understanding, for there would be no such thing as faith, that is, of assent without conviction of understanding; and we could not please God with believing, because there would be in it nothing of the will, nothing of love and choice; and that faith which is, would be like that of Thomas, to believe what we see or hear, and God should not at all govern upon earth unless He did continually come Himself: for thus all government, all teachers, all apostles, all messengers would be needless, because they could not shew to the eye what they told to the ears of men. And it might as well be disbelieved in all courts and by all princes, that this was not the letter of a prince, or the act of a man, or the writing of his hand; and so all human entercourse must cease, and all senses but the eye be useless as to this affair, or else to the ear all voices must be strangers but the principal, if I say, no reports shall make faith. But it is certain, that when these voices were sent from heaven and heard upon earth they prevailed amongst many that heard them not, and disciples were multiplied upon such accounts, or else it must be that none that did hear them could be believed by any of their friends and neighbours; for if they were, the voice was as effective at the reflex and rebound as in the direct emission, and could prevail with them that believed their brother or their friend, as certainly as with them that believed their own ears and eyes.

§ 14. I need not speak of the vast numbers of miracles which He wrought; miracles which were not more demonstrations of His power than of His mercy; for they had nothing of pompousness and ostentation, but infinitely of charity and mercy, and that permanent and lasting and often. He opened the eyes of the blind, He made the crooked straight, He made the weak strong, He cured fevers with the touch of His hand, and an issue of blood with the hem of

His garment, and sore eyes with the spittle of His mouth and the clay of the earth; He multiplied the loaves and fishes, He raised the dead to life, a young maiden, the widow's son of Naim, and Lazarus, and cast out devils by the word of His mouth, which He could never do but by the power of God. For Satan does not cast out Satan, nor a house fight against itself, if it means to stand long; and the devil could not help Jesus, because the holy Jesus taught men virtue, called them from the worshipping devils, taught them to resist the devil, to lay aside all those abominable idolatries by which the devil doth rule in the hearts of men: He taught men to love God, to fly from temptations to sin, to hate and avoid all those things of which the devil is guilty, for christianity forbids pride, envy, malice, lying, and yet affirms that the devil is proud, envious, malicious, and the father of lies; and therefore wherever christianity prevails, the devil is not worshipped, and therefore he that can think that a man without the power of God could overturn the devil's principles, cross his designs, weaken his strengths, baffle him in his policies, befool him and turn him out of possession, and make him open his own mouth against himself as he did often, and confess himself conquered by Jesus and tormented, as the oracle did to Augustus Cæsar[z], and the devil to Jesus himself; he I say, that thinks a mere man can do this, knows not the weaknesses of a man, nor the power of an angel; but he that thinks this could be done by compact, and by consent of the devil, must think him to be an intelligence without understanding, a power without force, a fool and a sot, to assist a power against himself, and to persecute the power he did assist, to stir up the world to destroy the Christians, whose master and Lord he did assist to destroy himself; and when we read that Porphyrius an heathen, a professed enemy to christianity, did say, Ἰησοῦ τιμωμένου οὐδεμιᾶς τις θεῶν δημοσίας ὠφελείας ἤσθετο[a], 'that since Jesus was worshipped, the gods could help no man,' that is, the gods which they worshipped, the poor baffled enervated demons; he must either think that the devils are as foolish as they are weak, or else that they did nothing towards this declination of their power; and therefore that they suffer it by a power higher than themselves, that is, by the power of God in the hand of Jesus.

§ 15. But besides that God gave testimony from heaven concerning Him, He also gave this testimony of Himself to have come from God, because that He did God's will; for he that is a good man and lives by the laws of God and of his nation, a life innocent and simple, prudent and wise, holy and spotless, unreproved and unsuspected, he is certainly by all wise men said in a good sense to be the son of God; but he who does well and speaks well, and calls all men to glorify and serve God, and serves no ends but of holiness and charity, of wisdom of hearts and reformation of manners, this man

[z] [Niceph. Hist. eccles., i. 17; Cedren. Hist. compend., p. 162, ed. fol. Par. 1647; Suid., s. v. Αὔγουστος.]

[a] [Euseb. præp. evang., lib. v. cap. 1.]

carries great authority in his sayings, and ought to prevail with good men in good things, for good ends, which is all that is here required. But His nature was so sweet, His manners so humble, His words so wise and composed, His comportment so grave and winning, His answers so seasonable, His questions so deep, His reproof so severe and charitable, His pity so great and merciful, His preachings so full of reason and holiness, of weight and authority, His conversation so useful and beneficent, His poverty great but His alms frequent, His family so holy and religious, His and their employment so profitable, His meekness so incomparable, His passions without difference, save only where zeal or pity carried Him on to worthy and apt expressions, a person that never laughed, but often wept in a sense of the calamities of others; He loved every man and hated no man, He gave counsel to the doubtful and instructed the ignorant, He bound up the broken hearts and strengthened the feeble knees, He relieved the poor and converted the sinners, He despised none that came to Him for relief, and as for those that did not He went to them; He took all occasions of mercy that were offered Him, and went abroad for more; He spent His days in preaching and healing, and His nights in prayers and conversation with God; He was obedient to laws and subject to princes, though He was the prince of Judæa in right of His mother, and of all the world in right of His Father; the people followed Him, but He made no conventions, and when they were made, He suffered no tumults, when they would have made Him a king He withdrew Himself, when He knew they would put Him to death He offered Himself; He knew men's hearts, and conversed secretly, and gave answer to their thoughts and prevented their questions; He would work a miracle rather than give offence, and yet suffer every offence rather than see God His Father dishonoured; He exactly kept the law of Moses, to which He came to put a period, and yet chose to signify His purpose only by doing acts of mercy upon their sabbath, doing nothing which they could call a breach of a commandment, but healing sick people, a charity which themselves would do to beasts, and yet they were angry at Him for doing it to their brethren. In all His life, and in all His conversation with His nation, He was innocent as an angel of light, and when by the greatness of His worth, and the severity of His doctrine, and the charity of His miracles, and the noises of the people, and His immense fame in all that part of the world, and the multitude of His disciples, and the authority of His sermons, and His free reproof of their hypocrisy, and His discovery of their false doctrines and weak traditions, He had branded the reputation of the vicious rulers of the people, and they resolved to put Him to death, they who had the biggest malice in the world, and the weakest accusations were forced to supply their want of articles against Him by making truth to be His fault, and His office to be His crime, and His open confession of what was asked Him to be His article of

condemnation, and yet after all this they could not persuade the competent judge to condemn Him, or to find Him guilty of any fault, and therefore they were forced to threaten Him with Cæsar's name, against whom then they would pretend Him to be an enemy, though in their charge they neither proved, nor indeed laid it against Him, and yet to whatsoever they objected He made no return, but His silence and His innocence were remarkable and evident, without labour and reply, and needed no more argument than the sun needs an advocate to prove that he is the brightest star in the firmament.

§ 16. Well, so it was, they crucified Him, and when they did they did as much put out the eye of heaven as destroy the Son of God; for when with an incomparable sweetness, and a patience exemplar to all ages of sufferers, He endured affronts, examinations, scorns, insolences of rude ungentle tradesmen, cruel whippings, injurious, unjust and unreasonable usages from those whom He obliged by all the arts of endearment and offers of the biggest kindness, at last He went to death as to the work which God appointed Him that He might become the world's sacrifice, and the great example of holiness, and the instance of representing by what way the world was to be made happy,—even by sufferings and so entering into heaven,—that He might (I say) become the Saviour of His enemies, and the elder brother to His friends, and the Lord of glory, and the fountain of its emanation. Then it was that God gave new testimonies from heaven; the sun was eclipsed all the while He was upon the cross, and yet the moon was in the full; that is, he lost his light, not because any thing in nature did invest him, but because the God of nature (as a heathen at that very time confessed, who yet saw nothing of this sad iniquity [b]) did suffer. The rocks did rend, the veil of the temple divided of itself and opened the inclosures, and disparked the sanctuary, and made it pervious to the gentiles' eye; the dead arose, and appeared in Jerusalem to their friends, the centurion and divers of the people smote their hearts, and were by these strange indications convinced that He was the Son of God. His garments were parted, and lots cast upon His inward coat; they gave Him vinegar and gall to drink, they brake not a bone of Him, but they pierced His side with a spear, looking upon Him whom they had pierced; according to the prophecies of Him, which were so clear and descended to minutes and circumstances of His passion, that there was nothing left by which they could doubt whether this were He or no who was to come into the world: but after all this, that all might be finally verified and no scruple left, after three days' burial, a great stone being rolled to the face of the grave, and the stone sealed, and a guard of soldiers placed about it, He arose from the grave, and for forty days together conversed with His followers and disciples, and beyond all suspicion was seen of five hundred brethren at once, which is a number too great to give their consent and testimony to a

[See Life of Christ, vol. ii. p. 616.]

lie, and it being so publicly and confidently affirmed at the very time it was done, and for ever after urged by all Christians, used as the most mighty demonstration, proclaimed, preached, talked of, even upbraided to the gainsayers, affirmed by eye-witnesses, persuaded to the kindred and friends and the relatives and companions of all those five hundred persons who were eye-witnesses, it is infinitely removed from a reasonable suspicion; and at the end of those days was taken up into heaven in the sight of many of them, as Elias was in the presence of Elisha.

§ 17. Now He of whom all these things are true, must needs be more than a mere man, and that they were true was affirmed by very many eye-witnesses, men who were innocent, plain men, men that had no bad ends to serve, men that looked for no preferment by the thing in this life; men to whom their master told they were to expect not crowns and sceptres, not praise of men or wealthy possessions, not power and ease, but a voluntary casting away care and attendance upon secular affairs that they might attend their ministry; poverty and prisons, trouble and vexation, persecution and labour, whippings and banishment, bonds and death, and for a reward they must stay till a good day came, but that was not to be at all in this world; and when the day of restitution and recompense should come, they should never know till it came, but upon the hope of this and the faith of Jesus, and the word of God so taught, so consigned, they must rely wholly and for ever. Now let it be considered, how could matters of fact be proved better? And how could this be any thing, but such as to rely upon matters of fact? What greater certainty can we have of any thing that was ever done which we saw not, or heard not, but by the report of wise and honest persons? Especially since they were such whose life and breeding was so far from ambition and pompousness, that as they could not naturally and reasonably hope for any great number of proselytes, so the fame that could be hoped for amongst them, as it must be a matter of their own procuring, and consequently uncertain, so it must needs be very inconsiderable, not fit to outweigh the danger and the loss, nor yet at all valuable by them whose education and pretences were against it. These we have plentifully. But if these men are numerous and united, it is more. Then we have more; for so many did affirm these things which they saw and heard, that thousands of people were convinced of the truth of them: but then if these men offer their oath, it is yet more, but yet not so much as we have, for they sealed those things with their blood; they gave their life for a testimony; and what reward can any man expect if he gives his life for a lie? Who shall make him recompense, or what can tempt him to do it knowingly? But after all, it is to be remembered, that as God hates lying, so He hates incredulity; as we must not believe a lie, so neither stop up our eyes and ears against truth; and what we do every minute of our lives in matters of little and of great concern-

ment, if we refuse to do in our religion, which yet is to be conducted as other human affairs are, by human instruments and arguments of persuasion proper to the nature of the thing, it is an obstinacy that is as contrary to human reason as it is to divine faith.

§ 18. These things relate to the person of the holy Jesus, and prove sufficiently that it was extraordinary, that it was divine, that "God was with Him," that His power wrought in Him; and therefore that it was His will which Jesus taught, and God signed. But then if nothing of all this had been, yet even the doctrine itself proves itself divine and to come from God.

§ 19. For it is a doctrine perfective of human nature, that teaches us to love God and to love one another, to hurt no man, and to do good to every man, it propines to us the noblest, the highest, and the bravest pleasures of the world: the joys of charity, the rest of innocence, the peace of quiet spirits, the wealth of beneficence, and forbids us only to be beasts and to be devils; it allows all that God and nature intended, and only restrains the excrescencies of nature, and forbids us to take pleasure in that which is the only entertainment of devils, in murders and revenges, malice and spiteful words and actions; it permits corporal pleasures where they can best minister to health and societies, to conservation of families and honour of communities; it teaches men to keep their words that themselves may be secured in all their just interests, and to do good to others that good may be done to them; it forbids biting one another that we may not be devoured by one another; and commands obedience to superiors, that we may not be ruined in confusions; it combines governments, and confirms all good laws, and makes peace, and opposes and prevents wars where they are not just, and where they are not necessary. It is a religion that is life and spirit, not consisting in ceremonies and external amusements, but in the services of the heart, and the real fruit of lips and hands, that is, of good words and good deeds; it bids us to do that to God which is agreeable to His excellencies, that is, worship Him with the best thing we have, and make all things else minister to it; it bids us do that to our neighbour, by which he may be better: it is the perfection of the natural law, and agreeable to our natural necessities, and promotes our natural ends and designs: it does not destroy reason, but instructs it in very many things, and complies with it in all; it hath in it both heat and light, and is not more effectual than it is beauteous; it promises every thing that we can desire, and yet promises nothing but what it does effect; it proclaims war against all vices, and generally does command every virtue; it teaches us with ease to mortify those affections which reason durst scarce reprove, because she hath not strength enough to conquer, and it does create in us those virtues which reason of herself never knew, and after they are known, could never approve sufficiently: it is a doctrine in which nothing is superfluous or burdensome, nor yet is there any thing wanting which can

procure happiness to mankind, or by which God can be glorified: and if wisdom, and mercy, and justice, and simplicity, and holiness, and purity, and meekness, and contentedness, and charity, be images of God and rays of divinity, then that doctrine in which all these shine so gloriously, and in which nothing else is ingredient must needs be from God; and that all this is true in the doctrine of Jesus needs no other probation but the reading the words.

§ 20. For that the words of Jesus are contained in the gospels, that is, in the writings of them who were eye-witnesses and ear-witnesses of the actions and sermons of Jesus, is not at all to be doubted; for in every sect we believe their own records of doctrine and institution; for it is madness to suppose the Christians to pretend to be servants of the laws of Jesus, and yet to make a law of their own which He made not: no man doubts but that the alcoran is the law of Mahomet, that the Old testament contains the religion of the Jews; and the authority of these books is proved by all the arguments of the religion, for all the arguments persuading to the religion are intended to prove no other than is contained in those books; and these having been for fifteen hundred years and more received absolutely by all christian assemblies, if any man shall offer to make a question of their authority, he must declare his reasons, for the disciples of the religion have sufficient presumption, security, and possession, till they can be reasonably disturbed; but that now they can never be is infinitely certain, because we have a long, immemorial, universal tradition that these books were written in those times, by those men whose names they bear; they were accepted by all churches at the very first notice, except some few of the later, which were first received by some churches, and then consented to by all; they were acknowledged by the same, and by the next age for genuine, their authority published, their words cited, appeals made to them in all questions of religion, because it was known and confessed that they wrote nothing but that they knew, so that they were not deceived; and to say they would lie must be made to appear by something extrinsical to this enquiry, and was never so much as plausibly pretended by any adversaries, and it being a matter of another man's will, must be declared by actions, or not at all. But besides the men that wrote them were to be believed because they did miracles, they wrote prophecies, which are verified by the event, persons were cured at their sepulchres, a thing so famous that it was confessed even by the enemies of the religion: and after all, that which the world ought to rely upon, is the wisdom and the providence and the goodness of God; all which it concerned to take care that the religion which Himself so adorned and proved by miracles and mighty signs, should not be lost, nor any false writings be obtruded instead of true, lest without our fault the will of God become impossible to be obeyed. But to return to the thing: all those excellent things which singly did make famous so many sects of philosophers, and remarked so

nobleness, and pleasure thought to be the chiefest good) it brought no peculiar blessing to the rich or mighty, unless they would become poor and humble in some real sense or other; a religion that would change the face of things, and would also pierce into the secrets of the soul, and unravel all the intrigues of hearts, and reform all evil manners, and break vile habits into gentleness and counsel: that such a religion in such a time, preached by such mean persons, should triumph over the philosophy of the world, and the arguments of the subtle, and the sermons of the eloquent, and the power of princes, and the interest of states, and the inclinations of nature, and the blindness of zeal, and the force of custom, and the pleasures of sin, and the busy arts of the devil, that is, against wit, and power, and money, and religion, and wilfulness, and fame, and empire, which are all the things in the world that can make a thing impossible; this I say could not be by the proper force of such instruments; for no man can span heaven with an infant's palm, nor govern wise empires with diagrams. It were impudence to send a footman to command Cæsar to lay down his arms, to disband his legions, and throw himself into Tiber, or keep a tavern next to Pompey's theatre; but if a sober man shall stand alone unarmed, undefended, or unprovided, and shall tell that he will make the sun stand still, or remove a mountain, or reduce Xerxes his army to the scantling of a single troop, he that believes he will and can do this, must believe he does it by a higher power than he can yet perceive, and so it was in the present transaction. For that the holy Jesus made invisible powers to do Him visible honours, that His apostles hunted the demons from their tripods, their navels, their dens, their hollow pipes, their temples, and their altars, that He made the oracles silent, as Lucian, Porphyry, Celsus, and other heathens confess; that against the order of new things, which let them be never so profitable or good do yet suffer reproach, and cannot prevail unless they commence in a time of advantage and favour, yet that this should flourish like a palm by pressure, grow glorious by opposition, thrive by persecution, and was demonstrated by objections, argues a higher cause than the immediate instrument. Now how this higher cause did intervene is visible and notorious. The apostles were not learned, but the holy Jesus promised that He would send down wisdom from above, from the Father of spirits; they had no power, but they should be invested with power from on high; they were ignorant and timorous, but He would make them learned and confident, and so He did; He promised that in a few days He would send the Holy Ghost upon them, and He did so; after ten days they felt and saw glorious immission from heaven, lights of moveable fire sitting upon their heads, and that light did illuminate their hearts, and the mighty rushing wind inspired them with a power of speaking divers languages, and brought to their remembrances all that Jesus did and taught, and made them wise to conduct souls, and bold to venture, and prudent to advise, and

powerful to do miracles, and witty to convince gainsayers, and hugely instructed in the scriptures, and gave them the spirit of government, and the spirit of prophecy. This thing was so public that at the first notice of it three thousand souls were converted on that very day, at the very time when it was done; for it was certainly a visible demonstration of an invisible power, that ignorant persons who were never taught, should in an instant speak all the languages of the Roman empire; and indeed this thing was so necessary to be so, and so certain that it was so, so public, and so evident, and so reasonable, and so useful, that it is not easy to say whether it was the indication of a greater power, or a greater wisdom; and now the means was proportionable enough to the biggest end: without learning they could not confute the learned world, but therefore God became their teacher; without power they could not break the devil's violence, but therefore God gave them power; without courage they could not contest against all the violence of the Jews and gentiles, but therefore God was their strength and gave them fortitude; without great caution and providence they could not avoid the traps of crafty persecutors, but therefore God gave them caution, and made them provident; and as Bezaleel and Aholiah received the Spirit of God, the spirit of understanding, to enable them to work excellently in the tabernacle, so had the apostles to make them wise for the work of God and the ministries of the diviner tabernacle, "which God pitched, not man." Immediately upon this, the apostles to make a fulness of demonstration and an undeniable conviction gave the spirit to others also, to Jews and gentiles and to the men of Samaria, and they spake with tongues and prophesied; then they preached to all nations, and endured all persecutions, and cured all diseases, and raised the dead to life, and were brought before tribunals, and confessed the name of Jesus, and convinced the blasphemous Jews out of their own prophets, and not only prevailed upon women and weak men, but even upon the bravest and wisest. All the disciples of John the baptist, the Nazarenes and Ebionites, Nicodemus and Joseph of Arimathea, Sergius the president, Dionysius an Athenian judge, and Polycarpus, Justinus and Irenæus, Athenagoras and Origen, Tertullian and Clemens of Alexandria, who could not be such fools as upon a matter not certainly true but probably false, to unravel their former principles, and to change their liberty for a prison, wealth for poverty, honour for disreputation, life for death, if by such exchange they had not been secured of truth and holiness and the will of God.

§ 23. But above all these was Saul, a bold and a witty, a zealous and learned young man, who going with letters to persecute the Christians of Damascus, was by a light from heaven called from his furious march, reproved by God's angel for persecuting the cause of Jesus, was sent to the city, baptized by a christian minister, instructed and sent abroad, and he became the prodigy of the world for learning and zeal, for preaching and writing, for labour and sufferance, for

government and wisdom; he was admitted to see the holy Jesus after the Lord was taken into heaven, he was taken up into paradise, he conversed with angels, he saw unspeakable rays of glory, and besides that himself said it, who had no reason to lie, who would get nothing by it here but a conjugation of troubles, and who should get nothing by it hereafter if it were false; besides this I say, that he did all those acts of zeal and obedience for the promotion of the religion does demonstrate he had reason extraordinary for so sudden a change, so strange a labour, so frequent and incomparable sufferings: and therefore as he did and suffered so much upon such glorious motives, so he spared not to publish it to all the world, he spake it to kings and princes, he told it to the envious Jews; he had partners of his journey who were witnesses of the miraculous accident, and in his publication he urged the notoriousness of the fact, as a thing not feigned, nor private, but done at noon day under the test of competent persons, and it was a thing that proved itself, for it was effective of a present, a great, and a permanent change.

§ 24. But now it is no new wonder but a pursuance of the same conjugation of great and divine things, that the fame and religion of Jesus was with so incredible a swiftness scattered over the face of the habitable world, from one end of the earth unto the other; it filled all Asia immediately, it passed presently to Europe, and to the furthest Africans, and all the way it went it told nothing but a holy and an humble story, that He who came to bring it into the world died an ignominious death, and yet this death did not take away their courage, but added much: for they could not fear death for that master, whom they knew to have for their sakes suffered death, and came to life again. But now infinite numbers of persons of all sexes, and all ages, and all countries came in to the holy crucifix, and He that was crucified in the reign of Tiberius was in the time of Nero, even in Rome itself, and in Nero's family by many persons esteemed for a God; and it was upon public record that he was so acknowledged: and this was by a Christian, Justin Martyr[d], urged to the senate, and to the emperors themselves, who if it had been otherwise could easily have confuted the bold allegation of the Christian, who yet did die for that Jesus who was so speedily reputed for a God; the cross was worn upon breasts, printed in the air, drawn upon foreheads, carried on banners, put upon crowns imperial; and yet the Christians were sought for to punishments, and exquisite punishments sought forth for them; their goods were confiscate, their names odious, prisons were their houses, and so many kinds of tortures invented for them that Domitius Ulpianus hath spent seven books in describing the variety of tortures the poor Christian was put to at his first appearing, and yet in despite of all this, and ten thousand other objections and impossibilities, whatsoever was for them made the religion grow, and whatsoever was against them made it grow; if they had peace, the

[d] [Apol. i. p. 52.]

religion was prosperous, if they had persecution, it was still prosperous: if princes favoured them the world came in because the Christians lived holily; if princes were incensed, the world came in because the Christians died bravely. They sought for death with greediness, they desired to be grinded in the teeth of lions, and with joy they beheld the wheels and bended trees, the racks and the gibbets, the fires and the burning irons, which were like the chair of Elias to them, instruments to carry them to heaven, into the bosom of their beloved Jesus.

§ 25. Who would not acknowledge the divinity of this person, and the excellency of this institution, that should see infants to weary the hands of hangmen for the testimony of Jesus? and wise men preach this doctrine for no other visible reward, but shame and death, poverty and banishment? and hangmen converted by the blood of martyrs springing upon their faces which their impious hands and cords have strained through their flesh? Who would not have confessed the honour of Jesus, when he should see miracles done at the tombs of martyrs, and devils tremble at the mention of the name of Jesus, and the world running to the honour of the poor Nazarene, and kings and queens kissing the feet of the poor servants of Jesus? Could a Jew fisherman and a publican effect all this for the son of a poor maiden of Judæa? Can we suppose all the world, or so great a part of mankind can consent by chance, or suffer such changes for nothing, or for any thing less than this? The son of the poor maiden was the Son of God, and the fisherman spake by a divine spirit, and they catched the world with holiness and miracles, with wisdom and power bigger than the strength of all the Roman legions. And what can be added to all this, but this thing alone to prove the divinity of Jesus?—He is a God, or at least is taught by God, who can foretell future contingencies; and so did the holy Jesus, and so did His disciples.

§ 26. Our blessed Lord while He was alive foretold that after His death His religion should flourish more than when He was alive; He foretold persecutions to His disciples; He foretold the mission of the Holy Ghost to be in a very few days after His ascension, which within ten days came to pass; He prophesied that the fact of Mary Magdalen in anointing the head and feet of her Lord, should be public and known as the Gospel itself, and spoken of in the same place; He foretold the destruction of Jerusalem and the signs of its approach, and that it should be by war, and particularly after the manner of prophets symbolically, named the nation should do it, pointing out the Roman eagles; He foretold His death, and the manner of it, and plainly beforehand published His resurrection, and told them it should be the sign to that generation, viz., the great argument to prove Him to be the Christ; He prophesied that there should arise false Christs after Him, and it came to pass to the extreme great calamity of the nation; and lastly, He foretold that

the Jews needed no other argument but this, that God hath made theirs impossible now to be done, for he that ties to ceremonies and outward usages, temples and altars, sacrifices and priests, troublesome and expensive rites and figures of future signification, means that there should be an abode and fixed dwelling, for these are not to be done by an ambulatory people; and therefore since God hath scattered the people into atoms and crumbs of society, without temple or priest, without sacrifice or altar, without *Urim* or *Thummim*, without prophet or vision, even communicating with them no way but by ordinary providence, it is but too evident, that God hath nothing to do with them in the matter of that religion, but that it is expired, and no way obligatory to them or pleasing to Him which is become impossible to be acted; whereas the christian religion is as eternal as the soul of a man, and can no more cease than our spirits can die, and can worship upon mountains and caves, in fields and churches, in peace and war, in solitude and society, in persecution and in sunshine, by night and by day, and be solemnized by clergy and laity in the essential parts of it, and is the perfection of the soul, and the highest reason of man, and the glorification of God.

§ 30. But for the heathen religions it is evidently to be seen that they are nothing but an abuse of the natural inclination which all men have to worship a God, whom because they know not, they guess at in the dark; for that they know there is and ought to be something that hath the care and providence of their affairs. But the body of their religion is nothing but little arts of governments, and stratagems of princes, and devices to secure the government of new usurpers, or to make obedience to the laws sure, by being sacred, and to make the yoke that was not natural, pleasant by something that is. But yet for the whole body of it who sees not that their worshippings could not be sacred, because they were done by something that is impure; they appeased their gods with adulteries and impure mixtures, by such things which Cato was ashamed to see, by gluttonous eatings of flesh, and impious drinkings, and they did *litare in humano sanguine*, they sacrificed men and women and children to their demons, as is notorious in the rites of Bacchus Omesta amongst the Greeks[e], and of Jupiter, to whom a Greek and a Greekess, a Galatian and a Galatess were yearly offered[f]; in the answers of the oracles to Calchas as appears in Homer and Virgil: who sees not that crimes were warranted by the example of their immortal gods, and that what did dishonour themselves, they sang to the honour of their gods, whom they affirmed to be passionate and proud, jealous and revengeful, amorous and lustful, fearful and impatient, drunken and sleepy, weary and wounded; that the religions were made lasting by policy and force, by ignorance, and the force of custom, by the

[e] [Plutarch. Themist., cap. xiii.; Orph., xxix. 5, li. 7; Euseb. præp. evang., lib. iv. cap. 16; Pausan., vii. 21. § 1; Porph. de esu anim., ii. 55.]

[f] [Plutarch. Marcell., cap. iii. tom. ii. p. 404; Liv., lib. xxii. cap. 57.]

preferring an inveterate error, and loving of a quiet and prosperous evil, by the arguments of pleasure, and the correspondencies of sensuality, by the fraud of oracles, and the patronage of vices, and because they feared every change as an earthquake, as supposing overturnings of their old error to be the eversion of their well-established governments: and it had been ordinarily impossible that ever christianity should have entered, if the nature and excellency of it had not been such as to enter like rain into a fleece of wool, or the sun into a window, without noise or violence, without emotion and disordering the political constitution, without causing trouble to any man but what his own ignorance or peevishness was pleased to spin out of his own bowels, but did establish governments, secure obedience, made the laws firm, and the persons of princes to be sacred; it did not oppose force by force, nor 'strike princes for justice[g];' it defended itself against enemies by patience, and overcame them by kindness; it was the great instrument of God to demonstrate His power in our weaknesses, and to do good to mankind by the imitation of His excellent goodness.

§ 31. Lastly, he that considers concerning the religion and person of Mahomet; that he was a vicious person, lustful and tyrannical, that he propounded incredible and ridiculous propositions to his disciples; that it entered by the sword, by blood and violence, by murder and robbery, that it propounds sensual rewards and allures to compliance by bribing our basest lusts; that it conserves itself by the same means it entered; that it is unlearned and foolish, against reason, and the discourses of all wise men; that it did no miracles and made false prophecies: in short, that in the person that founded it, in the article it persuades, in the manner of prevailing, in the reward it offers, it is unholy and foolish and rude; it must needs appear to be void of all pretence, and that no man of reason can ever be fairly persuaded by arguments that it is the daughter of God and came down from heaven.

Since therefore there is so nothing to be said for any other religion, and so very much for christianity, every one of whose pretences can be proved as well as the things themselves do require, and as all the world expects such things should be proved; it follows that the holy Jesus is the Son of God, that His religion is commanded by God, and is that way by which He will be worshipped and honoured, and that "there is no other name under heaven by which we can be saved, but only by the name of the Lord Jesus[h]." He that puts his soul upon this cannot perish; neither can he be reproved who hath so much reason and argument for his religion. *Sit anima mea cum christianis*[i], 'I pray God my soul may be numbered amongst the Christians.'

§ 32. This *πάρεργον* I have here brought as an instance of moral demonstration, not only to do honour to my dearest Lord, by speaking

[g] [Prov. xvii. 26.] [h] [Acts iv. 12.] [i] [See vol. iv. p. 444.]

true and great things of His name, and endeavouring to advance and establish his kingdom, but to represent in order to the first intention, that a heap of probabilities may in some cases make a sure conscience; for as Cicero says[j], *Probabile id est quod habet in se quandam similitudinem, sive id falsum est sive verum.* For probability is not in the thing properly, for every thing is true or false in itself, and even false things may have the face and the likeness of truth, and cozen even wise persons. It was said of Bias in Diogenes Laertius[k], *Orator summus et vehemens, sed in bonam causam dicendi vim omnem exercuit,* 'he could speak excellently, but then he spake best when he had an ill cause.' This Lactantius calls *argutam malitiam,* 'a cunning and an eloquent malice.' But then as falsehood may put on the face of truth, so may truth also look like itself; and indeed every truth that men preach in religion is at least probable, that is, there is so much to be said for it, that wise and good men may be persuaded into every truth; and the cause that it is only probable is by reason of our want of knowledge of things: but if it so happen that there is much to be said for the truth, and little or nothing against it, then it is a moral demonstration, that is, it ought to persuade firmly, and upon it we may rest confidently.

§ 33. This only I am to admonish, that our assent in these cases is not to be greater than the force of the premises; and therefore the church of Rome offering to prove all her religion as it distinguishes from the other divisions of Christians, only by some prudential motives, or probable inducements, and yet requiring that all her disciples should believe it with divine and infallible faith, as certainly as we believe a mathematical demonstration, does unjustly require brick where she gives no straw, and builds a tower upon a bulrush, and confesses that her interest is stronger than her argument, and that where by direct proof she cannot prevail, she by little arts would affright the understanding. For to give a perfect assent to probable inducements can neither be reasonable nor possible for considering persons, unless these conditions be in it.

THE REQUISITES OR CONDITIONS OF A MORAL DEMONSTRATION FOR THE ASSURING OUR CONSCIENCE.

§ 34. 1) That the thing be the most probable to us in our present condition: for there are summities and principalities of probation proportionable to the ages and capacities of men and women. A little thing determines a weak person; and children believe infinitely whatsoever is told to them by their parents or tutors, because they have nothing to contest against it. For in all probable discourses there is an allay and abatement of persuasion by the opposition of argument to argument, but they who have nothing to oppose, and have no reason to suspect, must give themselves up wholly to it; and then

[j] [De invent., lib. i. cap. 29.]

[k] [lib. i. cap. 5. § 3.]

every thing that comes is equally the highest, because it fully and finally must prevail. But then that which prevails in infancy seems childish and ridiculous in our youth, and then we are concluded by some pretences and pretty umbrages of things, which for want of experiences we think very well of; and we can then do no more; that is a demonstration to us, which must determine us, and these little things must then do it, because something must be done, and we must do it as wisely as we may, but no man is bound to be wiser than he can. As the thing seems, either in its own light or in our position, so we are to give our assent unto it.

§ 35. 2) A heap of probable inducements ought to prevail, as being then a moral demonstration when the thing is not capable of a natural; for then probabilities ought to prevail, when they are the best argument we have. For if any man shall argue thus; it is not probable that God would leave His church without sufficient means to end controversies, and since a living infallible judge is the most effective to this purpose, it is therefore to be presumed and relied upon that God hath done so;—this argument ought not to prevail as a moral demonstration; for though there are some semblances and appearances of reason in it, *nihil enim est tam incredibile quod non dicendo fiat probabile*, said Cicero in his Paradoxes[l], 'there is nothing so incredible, but something may be said for it,' and a witty man may make it plausible, yet there are certainties against it. For God hath said expressly, that 'every man is a liar,' and therefore we are commanded to 'call no man master upon earth,' and the nature of man is weak, and his understanding trifling, and every thing abuses him, and every man that is wise sees his own ignorance, and he that is not wise is easily deceived; and they who have pretended to be infallible have spoken pitiful things, and fallen into strange errors, and cannot be guarded from shame without a whole legion of artifices and distinctions, and therefore it is certain that no man is infallible; and where the contrary is certain, the probable pretence is but a fallacy and an art of illusion.

§ 36. 3) There can be no moral demonstration against the word of God, or divine revelation. He that should flatter himself with thinking the pains of hell shall not be eternal, because it is not agreeable to the goodness of God to inflict a never-ceasing pain for a sudden and transient pleasure, and that there can be no proportion between finite and infinite, and yet God who is the fountain of justice will observe proportions, (or if there could be ten thousand more little things said to persuade a sinning man into confidences of an end of torment,) yet he would find himself deceived, for all would be light when put into the balance against these words of our blessed Saviour, "Where the worm never dies, and the fire never goeth out[m]."

§ 37. 4) Where there is great probability on both sides, there

[l] [In præfat. ad M. Brutum.] [m] [Mark ix. 44, 6. 8.]

in action that is materially good, such as restitution is; but not to restore, although in these cases it may be innocent, yet in no sense can it of itself be laudable.

§ 2. To which also in these cases it may be added, that on the safer side there is a physical, or natural and proper certainty that we sin not: on the other, though there is a greater probability that there is no obligation, yet at most it can make but some degrees of moral certainty. But how far this course is to be chosen and pursued, or how far the other is to be preferred, will afterwards be disputed

RULE IV.

AN OPINION THAT IS SPECULATIVELY PROBABLE, IS NOT ALWAYS PRACTICALLY THE SAME.

§ 1. In a right and sure conscience the speculative and the practical judgment are always united, as I have before[p] explicated; but in opinions that are but probable the case is contrary. It is in speculation probable, that it is lawful to baptize in the name of the Lord Jesus; but yet he that shall do this practically, does improbably and unreasonably. If the opinion of the primitive Christians had been probable that it is lawful to communicate infants, yet it were at no hand fitting to be done in the present constitution of affairs; and it were highly useful if men would consider this effectually; and not from every tolerable opinion instantly run to an unreasonable and intolerable practice.

§ 2. For a speculation considers the nature of things abstractedly from circumstances physically or metaphysically, and yet when it comes to be reduced to practice, what in the head was innocent will upon the hand become troublesome and criminal. If there were nothing in it but the disorder of the novelty or the disturbance of men's minds in a matter that is but probable, it were highly enough to reprove this folly. Every man's imperfect discourse or half reasons are neither fit to govern the actions of others or himself. Suppose it probable (which the Greek church believes) that the consecration of the blessed eucharist is not made by the words of institution, but by the prayers of the holy man that ministers, the bishop or the priest; yet when this is reduced to practice, and that a man shall omit the words of institution or consecration, his practice is more to be reproved than his opinion could be possibly allowed. Some think churches not to be more sacred than other places; what degree of probability soever this can have, yet it is a huge degree of folly to act this opinion, and to choose a barn to pray in, when a church may be had.

§ 3. For there are in actions besides the proper ingredients of

[p] Chap. ii. rule 2. [p. 50.]

their intrinsical lawfulness or consonancy to reason, a great many outsides and adherences that are considerable beyond the speculation. The want of this consideration hath done much evil in many ages; and amongst us nothing hath been more usual than to dispute concerning a rite or sacramental, or a constitution, whether it be necessary, and whether the contrary be not lawful; and if it be found probably so as the enquirers would have it, immediately they reduced it to practice, and caused disorder and scandal, schism and uncharitableness amongst men, while they thought that christian liberty could not be preserved in the understanding, unless they disorder all things by a practical conclusion. *Videas quosdam quibus sua libertas non videtur consistere, nisi per esum carnium die Veneris in ejus possessionem venerint,* Calvin[q] complains with reason. It is a strange folly that men will not think they have possession of christian liberty, unless they break all laws and all customs, as if men could not prove things to be indifferent and not obligatory unless they certainly omit them. Christian liberty consists in the head, not in the hand; and when we know we are free from the bondage, we may yet do the work; and when our gracious Lord hath knocked our fetters off, we may yet think it too fit to do what His stewards command us in order to His services. It is free to us to eat or to abstain, to contain or to marry; but he that only marries because he would triumph and brag of his freedom, may get an imperious mistress instead of a gentle master. By the laws of christian liberty indifferent things are permitted to my choice, and I am not under their power; but no christian liberty says that I am free from the power of a man, though I be from the power of the thing; and although in speculation this last was sufficient to be considered, yet when the opinion comes to be reduced to practice, the other also ought to have been thought upon. And besides this, it is a strange pertness and boldness of spirit, so to trust every fancy of my own, as to put the greatest interest upon it; so to be in love with every opinion and trifling conceit, as to value it beyond the peace of the church and the wiser customs of the world, or the laws and practices of a wise and well instructed community of men. Nothing can make recompense for a certain change but a certain truth, with apparent usefulness in order to charity, piety, or institution.

§ 4. These instances are in the matter of religion; it may also happen thus in the matter of justice. When Lamech perceived something stir in a bush, it was very probable it was a wild beast; but when he came to reduce his opinion to practice, he shot at it and killed a man[r]. And in the matter of justice there is a proper reason

[q] Instit., lib. iii. [cap. 19. § 10. p. 222.]

[r] [viz. Cain.—This legend, which seems to have been derived by later commentators from the Historia scholastica of Peter Comestor, on Gen., cap. xxviii., is traced to oriental sources by Hottinger, Hist. orient., lib. i. cap. 3. (p. 33. ed. 4to. Tig. 1660). It is found also with slight variations in the Jalkut of R. Simeon Hadarsan, *circa* A.D. 1310. (§ 38. p. 11. ed. fol. Ven. 1566.) S. Jerome (ad Damas., tom. ii. col. 564), quoted by Pererius and

for this rule: because in matters of right or wrong, possession is not to be altered without certainty, and therefore neither can I seize upon my goods in another man's hand, unless I be sure they are mine, though I were not otherwise restrained by human laws; neither may I expose any thing to danger of which I am not certainly master.

§ 5. This also is with great caution to be observed in the matter of chastity. Although it may be true that in many cases such or such aspects or approximations may be lawful; that is, those things so far as they are considered have no dissonancy from reason: yet he that shall reduce this opinion to practice must also remember that he is to deal with flesh and blood, which will take fire, not only from permissions, but from prohibitions and restraints, and will pass instantly from lawful to unlawful: and although this may not be a sin in consideration and discourse, but is to be acquitted by the sentence of the schools and pulpit, yet when it comes to be viewed and laid before the judgment in the court of conscience, and as it was clothed with circumstances, it will be found, that when it came to be practised, other parts or senses were employed which cannot make such separations, but do something else.

§ 6. But if it be asked, to what purpose it can be that any man should enquire of the lawfulness of such actions which whether they be lawful or unlawful, yet may not be done? I answer, that the enquiry is necessary for the direct avoiding a sin in the proper matter of the instance; for he that never enquires, sins for want of enquiry, and despises his soul because he takes no care that it be rightly informed; but if he enquires, and be answered that the opinion is false, or the action criminal, he finds by the answer that it was worth his pains to ask, because by it he is taught to avoid a sin. But then, besides the question of lawful or unlawful, there are further enquiries to be made concerning fitting and unfitting, offensive, or complying, safe or dangerous, abstractedly or in relation; for many things which are lawful in themselves become very bad to him that does them, and to him that suffers them.

RULE V.

THE GREATER PROBABILITY DESTROYS THE LESS.

§ 1. THAT is, it is not lawful directly to choose an opinion that seems less probable, before that which is more probable. I say, directly; for if the less probable be more safe, it becomes acci-

Cornelius à Lapide on Gen. iv. 23, refers to it on Jewish authority,—(in quodam Hebræo volumine scribitur), but does not relate it at length. Lipomanus (caten. in Gen.), quotes it from Rabanus, in whose works however it is not found. Basil (epist. cclx. tom. iii. p. 399. A.), and Theodoret (quæstt. in Gen., tom. i. p. 57.) reject it.]

dentally more eligible; of which I have already given account[s], and shall add something afterward[t]. But without this accident, the degrees of safety are left to follow the degrees of probability. For when the safety does not depend upon the matter, it must depend upon the reasons of the inducement; and because the safety must increase consequently to the probability, it is against charity to omit that which is safer, and to choose that which is less safe.

§ 2. For it is not in moral things as it is in natural; where a less sweet is still sweet, though not so sweet as that which is more: and the flowers of trefoil are pleasant, though honey be far more pleasant; and Phædon may be wise, though he be not so wise as Plato; because there are degrees of intension and remission in these qualities: and if we look upon two probable propositions, and consider them naturally, they are both consonant to reason in their apparencies, though in several degrees. So that if Sempronius choose a less probable, before he hath learned what is more probable, he hath done well and safely. But when the two probables are compared, to reject that which is more probable is to do 1) unnaturally: 2) and unreasonably: 3) and imprudently.

§ 3. 1) Unnaturally.—In matters proposed to the will, the will may choose a less good, and reject the greater; and though it is most commonly a great imperfection to do so, yet it is many times innocent, because it is in the choice of the will to which it is propounded, and no commandment laid upon it. But in matters of opinion and intellectual notices, where there is no liberty, there is a necessity of following the natural proportions, that is, that the stronger efficient upon the same suscipient should produce the more certain and regular effect. 'To think or to opine is not free,' said Aristotle[u], and yet he that chooses the less probable, omitting that which is more, makes the determination by his will, not by his understanding; and therefore it is not an honest act or judgment of conscience, but a production of the will.

§ 4. 2) It is unreasonable.—Because in all those degrees of reasonableness in which the less probable is excelled by that which is more probable, a man does wholly proceed without and against that reason; and why does he choose the less probable? I do not ask why he chooses the less probable opinion, that I mean which is so in itself; for he may do that because it seems more reasonable, or he knows nothing else: but I ask why he proceeds according to a less probable conscience? that is, why does he choose that which he believes to be less probable? for what reason doth he choose that for which he hath the least reason? If there be no reason to choose that rather than the other, then it is an unreasonable thing to do so. If there be a reason which is not in the other, or which is not excelled

[s] Rule 2. of this sect. [p. 180.]
[t] Chap. v. rule 4. [p. 225.]
[u] Lib. iii. de anima. [cap. 3. tom. i. p. 427.]

is sufficient both for publication and for practice that it is so; and therefore that we are not strictly tied to make a curious search into the two probables which excel others in the degrees of reason, lest there should arise eternal scruples, perpetual restlessness and dissatisfaction in the minds of men; yet when of two probables there is an actual persuasion that this is more, and that is less, neither may the doctors teach, nor any man follow the less, because here it is not the better opinion, but the better conscience that is despised. It may happen that what I believe more probable, is indeed less; and therefore it must be admitted to be safe to follow the less probable opinion, if it happen to stand on the fairest side of conscience, that is, that it be better thought of than it deserves; but for the same reason it is also certain that we must follow that which we think the more probable opinion, whether it be so or no, because this is to be done, not for the opinion, but for conscience sake. And whereas it is said in the objection, that a doctor may lawfully teach an opinion less probable, if he be moved to it by the authority of some more eminent person, that is as much as to say, when the opinion which intrinsically, or at least in his private judgment seems less probable, becomes extrinsically the more probable, he may follow either, of which in this chapter I am yet to give a more particular account; but it no way rifles the present doctrine. Only this I add, if it were lawful and safe to follow the less probable opinion, and reject the greater, then in such questions which are only determined by authority, and sentences of wise men, it were lawful to choose any thing that any one of them permits, and every probable doctor may rescind all the laws in christendom, and expound all the precepts of the gospel in easy senses, and change discipline into liberty, and confound interests, and arm rebels against their princes, and flocks against their shepherds and prelates, and set up altar against altar, and mingle all things sacred and profane. Because if any one says it is lawful, all that have a mind to do evil things may choose him for their guide, and his opinion for their warranty.

§ 13. 3) To the third I answer, that the opinion which is more common is not always the more probable, for it may be false and heretical; and if at any times it seems more probable, it is because men understand little or nothing of it. But then if it were so, yet this opinion which is lately taught by the modern casuists, is not the more common, simply and absolutely; it was once the less common, and whether it be so now or no, it is hard to tell; but admit it be so, yet the community and popularity of opinion is but a degree of extrinsical probability, and is apt to persuade only in the destitution of other arguments, which because they are not wanting in this question, the trick in the objection appears trifling.

RULE VI.

WHEN TWO OPINIONS SEEM EQUALLY PROBABLE, THE LAST DETERMINATION IS TO BE MADE BY ACCIDENTS, CIRCUMSTANCES, AND COLLATERAL INDUCEMENTS.

§ 1. In the matter of this rule it is variously disputed; some affirming that the understanding must for ever remain suspended, and the action wholly omitted, as in the case of a doubting conscience. Others give leave to choose either part, as a man please, making the will to determine the understanding.

§ 2. The first cannot be true, because while they both seem equally consonant to reason, it cannot be dishonest to choose that which to me seems reasonable; and therefore the understanding may choose practically. They are like two things equally good, which alike move the will, and the choosing of the one is not a refusing the other, when they cannot be both enjoyed; but like the taking one piece of gold, and letting the other that is as good alone: and the action is determined by its own exercise, not by an antecedent reason.

But neither can it be in all cases and questions that the determination can be totally omitted; as if the question be whether this ought to be done, or ought to be let alone, and both of them seem equally probable; so also if the question be whether it may be done or may be let alone: in these cases it is certain one part must be chosen, for the very suspending the act is not a suspending of the choice, the not doing it is a compliance with one of the probabilities. The lazy fellow in the apologue that told his father he lay in bed in the morning to hear labour and idleness dispute whether it were best to rise or to lie still, though he thought their arguments equally probable, yet he did not suspend his act, but without determining he put the sentence of idleness in execution; and so it must be in all questions of general enquiry concerning lawful or unlawful, necessary or not necessary, the equal probability cannot infer a suspension or an equal non-compliance.

§ 3. But neither can the second be true; for the will must not alone be admitted an arbitrator in this affair; for besides that it is of dangerous consequence to choose an opinion because we will, it is also unnatural, the will being no ingredient into the actions of understanding. The will may cause the understanding to apply a general proposition to a particular case, and produce a practical judgment by that general measure without particular arguments in the question apportioned to the proper matter, as I before discoursed[x]. But when the understanding is wholly at dispute about the proper arguments

[x] Chap. iii. rule 7. [p 147.]

of two propositions, if the will interposes, the error that happens, if the conclusion falls on the wrong side, is without excuse, because it is chosen: and the truth is not so safe and useful, because it came by an incompetent instrument, by that which was indifferent to this truth or the other. Indeed if there be no other way to determine the question, the will must do it, because there is no avoiding it; but if there be any other way, this must not be taken; but ordinarily there is.

§ 4. The third way therefore is this; the determination may be made by any thing that can be added to either side *in genere rationis:* as the action that is prepared stands more ready for my circumstances; that which does me less violence, that which is more proportionable to any of those events which in prudence are to me considerable. It is indifferent whether Paula Romana give her alms to the poor of Nicopolis[y], or to the poor dwelling near the monastery of Bethlehem; but because these dwelt nearer, and were more fitted for her circumstances, this was enough to turn the scales and make the determination. It is like putting on that garment that is nearest me; not this rather than the other, nor yet this because I will, but this because it is here. The use of this rule is, to prevent a probable conscience to become doubtful, and yet (as much as may be) to avoid the interposition of the will in the practical judgments of conscience.

§ 5. This rule is to be enlarged with this addition, that if the conscience by reason of the equal probability of two opinions so standing, without any determining and deciding circumstances and accidents, cannot decree on any side neither by intrinsical nor extrinsical means, that is, neither by proper arguments nor collateral inducements, no action ought to follow, but the case of which the question is, if it can be, ought to be omitted, as in the case of a doubting conscience, which though as I shewed before, cannot happen when the question is general of lawful or unlawful, necessary or unnecessary, yet it may happen in particular cases, as whether this thing be lawful or that, whether this is to be done or the other. It may happen that neither of them ought, and in the present supposition neither of them can; that is, if the man suffers his dispute to pass into a doubt.

§ 6. In other cases a man may safely take any course which he finds probable, equally disputed, uncertain in itself, contrarily determined by doctors disputing with fair arguments. For in this case malice is no ingredient; and if interest be, it is therefore lawful, because it is an extrinsical motive, apt and reasonable to be considered, and chosen, and pursued by fair means, if the interest itself have no foulness in it.

§ 7. But of all the external motives that can have influence in the determination of a sentence between two probabilities, a relation to piety is the greatest. He that chooses this because it is most pious, chooses his opinion out of consideration, and by the inducement of

[y] [Cf. Hieron., epist. lxxxvi. tom. iv. part 2. col. 681. sqq.]

the love of God. That which causes more honour to God, that which happily engages men in holy living, that which is the most charitable, and the most useful, that is to be preferred. But this is to be conducted with these cautions:

§ 8. 1) That the disposition to piety or charity be not made to contest an apparent truth. It is hugely charitable to some men, if it could be made true, to say that God is merciful to all sinners and at all times; and it is ten thousand pities to see a man made to despair upon his death-bed upon the consideration of his past evil life; but this consideration must not therefore be pretended against the indispensable plain necessity of a holy life, since it is plainly revealed, that without the pursuing of peace with all men, and holiness, no man shall see God.

§ 9. 2) If both the probabilities be backed and seconded by their proper relations to piety, to take one of them is not a competent way to determine the probability; but it must be wholly conducted by the efficacy of its proper reasons, or by some appendage in which one prevails above the other, when one opinion is valued because it is apt to make men fear, and not to be presumptuous; and another, because it is apt to make men hope, and never to despair, the balance is equal, and must be turned by neither of these. Scotus and Durandus, Gabriel and Almain, Medina and some few others, taught that the death of Christ did not make satisfaction to God for the sins of the whole world, by the way of perfect and exact justice, but by God's gracious acceptance of it, and stipulation for it. This opinion does indeed advance the honour of God's mercy, but the contrary advances the dignity of Christ's suffering; and therefore it must be disputed and determined by some other instruments of persuasion. God the Father is on one side, and God the Son on the other, and though he who honours one honours both, yet he that prefers one may seem also to disparage both.

§ 10. 3) The relation to piety, and the advantages which come to it by the opinion must not be fantastic, and relying upon a weak opinion and fond persuasion, but upon true reason, or real effects. It is a common opinion among the ancients[1], that Anna the mother of the blessed virgin-mother of God had been married to three husbands successively, and that the blessed virgin was the second wife of Joseph; they who think that the second and third marriages are less perfect than the first, think it more pious to embrace the other opinions, viz., that Anna was married to none but Joachim, and that Joseph was only married to the holy virgin Mary. But because this is to take measures of things which God hath not given us, and to reckon purities and impurities by their own fancies, not by reason and revelation from God, therefore this fantastic relation to piety is not weight enough to carry the question along with it.

[1] [For the authorities on this subject the reader is referred to the dissertation of Petrus Sutor, de triplici connubio divæ Annæ, 4to. Par. 1523.]

In other cases the rule holds: and by these measures our conscience can be supported in a storm, and be nourished and feasted every day, viz., if we take care;

α) That we avoid every thing that we know to be a sin, whether it be reproached by its natural impurity and unreasonableness, or without any note of turpitude it be directly restrained by a law.

β) That we fly every appearance of evil, or likeness of sin. 1 Thess. iv. 22.

γ) That we fly every occasion, or danger of sin. Matt. xxvi. 58, 69, 70, and 1 Cor. vii. 5.

δ) That we avoid all society or communication with sin, or giving countenance, and maintenance to it. By these measures and analogies if we limit our cases of conscience, we cannot be abused into danger and dishonour.

RULE VII.

IT IS NOT LAWFUL TO CHANGE OUR PRACTICAL SENTENCE ABOUT THE SAME OBJECT, WHILE THE SAME PROBABILITY REMAINS.

§ 1.) A MAN may change his opinion as he sees cause, or alter the practice upon a new emergent reason; but when all things are equal without and within, a change is not to be made by the man, except it be in such cases in which no law, or vow, or duty, or the interest of a third is concerned; that is, unless the actions be indifferent in themselves, or innocent in their circumstances, and so not properly considerable in the fears of conscience, in which cases a man's liberty is not to be prejudiced.

§ 2. This stating of the rule does intimate the proper reasons of it, as appears in the following instances. Juan a priest of Messina having fasted upon the vespers of a holy day, towards the middle of the night hath a great desire to eat flesh; he dwelling by the great church, observed that the clocks in the neighbourhood differed half an hour[a]. He watches the first clock that struck midnight, and as soon as it had sounded, he eat his meat, because then he concluded that the ecclesiastical fasting day was expired, and that therefore it was then lawful by the laws of his church to eat flesh. But being to consecrate the blessed eucharist the next morning, and obliged to a natural fast before the celebration of the holy sacrament, he changed his computation, and reckoned the day to begin by the later clock; so that the first day ended half an hour before the next day began, and he broke his fast because the eve was past, and yet he accounted

[a] [Bardus, discept. iv. cap. 14. p. 204.]

that he was fasting, because the holy day was not begun. This was to cozen the law, and if it be translated to more material instances, the evil of it will be more apparent, but in this the unreasonableness is as visible. The like is the case of a gentleman living in the neighbourhood of Rome[b]. Baptista Colonna happened to be in Rome on the three and twentieth of August, which is usually the eve of S. Bartholomew, but there it is kept on the twenty-fourth day; he refused to fast on the ordinary day of the vigils as he used to do, because in Rome where he then was the custom was otherwise; he eat his meals, and resolved to keep it the next day, but on the morrow being very hungry and desirous of flesh, he changed his sentence, and went out of Rome to the neighbourhood, and kept the feast of S. Bartholomew without the eves. This is to elude the duty, and to run away from the severity of the law, by trifling with the letter.

§ 3. If the case be not complicated with a law, yet it is often infolded with the interest of a third person, and then is not to be changed, but remains invariable. Mævius promised to Sertorius to give him a servant[c], either Ephodius or Taranta, but resolves to give him Taranta; immediately after the resolution Ephodius dies, and Mævius tells his friend he is disobliged, because he hath but one, and resolves not to part with Taranta, and it was in his liberty to give him either, and because he will not assign his part in this, it is wholly lost in the other; but this is unfriendly and unjust. To this sort of instance is to be reduced a caution against fraudulency in the matter of vows.

§ 4. Vitellescus vows to fast upon the last of February, but changing his mind, believes he may commute his fasting for alms; he resolves to break his fast and to give a ducket[d] to the poor[e]. But when he had new dined, he discourses the question again, and thinks it unlawful to commute, and that he is bound to pay his vow in kind; but the fast is broken, and yet if he refuses upon this new inquest to pay his commutation, he is a deceiver of his own soul. For in the present case, if to commute were not lawful, yet it is certain he is not disobliged; and therefore he is to pay his commutation, because it was decreed in the time of a probable conscience; and not being in itself unlawful, though it be now supposed to be insufficient, yet it is to be accounted for upon the stock of the first resolution of the conscience, because the state of things is not entire; and advantages are not to be taken against religion from the account and stock of our errors or delusions; and if after this the conscience be not at rest, it is to be quieted by other actions of repentance and amends.

[b] [ibid., p. 210.]

[c] [ibid., p. 209. Sanchez, de decal., lib. iv. cap. 13. § 24, cited by that author, refers to the digests, lib. xlvi. tit. 3. l. 95. (col. 1593;) and lib. xiii. tit. 14. l. 2. (col. 373.)]

[d] [Sic edd.]

[e] [Bard. ibid., p. 205.]

some years; after which she hears that his first spouse was not killed, but alive and in sorrow in the isle of Malta, and therefore that herself lived in a state of adultery, because not she, but the woman in Malta was the true wife to her husband. In this agony of spirit a mariner comes to her house and secretly tells her, that this woman was indeed at Malta, but lately dead, and so the impediment was removed. The question now arises, whether upon the taking away this impediment, it be required that the persons already engaged should contract anew? That a new contract is necessary, is universally believed, and is almost certain (as in its proper place will be made to appear), for the contrary opinion is affirmed but by a very few, and relies but upon trifling motives, requiring only the consent of either of the parties as sufficient for renewing of the contract. But this being but a slender probability ought not to govern her; she must contract anew by the consent of her husband as well as by her own act. But now the difficulty arises; for her husband is a vicious man, and hates her, and is weary of her, and wishes her dead; and if she discover the impediment of their marriage, and that it is now taken away, and therefore requires him to recontract himself, that the marriage, which was innocently begun, may be firm in the progression, and legally valid, and in conscience; she hath great reason to believe that he will take advantage of it, and refuse to join in a new contract. In this case therefore, because it is necessary she should some way or other be relieved, it is lawful for her to follow that little probability of opinion which says, that the consent of one is sufficient for the renovation of the contract. And in this case all the former inconveniences mentioned before do cease: and this is a case of favour, in behalf of an innocent marriage, and in favour of the legitimation of children, and will prevent much evil to them both. So that although this case hath but few degrees of probability from its proper and intrinsical causes, yet by extrinsical and collateral appendages it is grown favourable, and charitable, and reasonable: it is almost necessary, and therefore hath more than the little probabilities of its own account.

§ 4. One case more happens in which a small probability may be pursued, viz., when the understanding hath not time to consider deeply, and handle the question on all sides; then that which first offers itself, though but mean and weak, yet if it be not against a strange argument at the same time presented, it may suffice to determine the action; for in case the determination prove to be on the wrong side, yet the ignorance is involuntary and unchosen.

These rules are concerning a conscience that is probable by intrinsical motives, that is, by reason, whether the reason be direct or collateral. But because the conscience is also probably moved in very many cases, by authority, which is an extrinsical motive, this is also to be guided and conducted.

RULE IX.

MULTITUDE OF AUTHORS IS NOT EVER THE MOST PROBABLE INDUCEMENT, NOR DOTH IT IN ALL CASES MAKE A SAFE AND PROBABLE CONSCIENCE.

§ 1. FOLLOWING a multitude is sometimes like the grazing or running of a herd, *non quo eundum est, sed quo itur*[b], 'not where men ought, but where they use to go:' and therefore Justinian in compiling of the body of the Roman laws, took that which was most reasonable, not that which was most followed; *Sed neque ex multitudine auctorum quod melius et æquius est judicatote: cum possit unius forsan et deterioris sententia et multa et majores in aliqua parte superare*[c]; 'the sentence of one, and of a meaner man may sometimes outweigh the sayings of a multitude of greater persons.' *Nam testibus se, non testimoniis crediturum rescripsit imperator,* 'sometimes one witness is better than twenty testimonies;' that is, one man, good and pious, prudent and disinterested, can give a surer sentence than many men more crafty and less honest. And in the Nicene council[d] when the bishops were purposing to dissolve the priests' marriages, Paphnutius did not follow the common vote, but gave them good reason for his single opinion, and they all followed him. This rule is true, and to be practised in the following cases:

§ 2. 1) When against the common opinion there is a strong, or a very probable reason, then the common opinion is not the more probable. Because a reason is an intrinsical, proper and apportioned motive to the conscience, but human authority, or citation of consenting authors is but an extrinsical, accidental and presumptive inducement, and a mere suppletory in the destitution of reason: and therefore Socrates said[e], *veritatem in disputando, non ex teste aliquo, sed ex argumento esse ponderandam;* 'truth is to be weighed by argument, not by testimony,' and it is never otherwise but when men are ruled by prejudice, or want reason to rule them in that particular. *Tantum opinio præjudicata poterat, ut etiam sine ratione valeret auctoritas,* said Cicero[f]. And this is to be extended to all sorts of authors that are not canonical, or divine. *Meum propositum est antiquos legere, probare singula, retinere quæ bona sunt, et a fide ecclesiæ catholicæ non recedere,* said Hieronie[g]; 'my purpose is to read

[b] [Sen. de vit. beat., cap. i. tom. i. p. 526.]

[c] L. 'Deo.' ver. 'Sed neque.' C. de veteri jure enucleando. [lib. i. tit. 17. § 1. col. 83.]

[d] Cap. 'Nicæna Synodus.' [Gratian. decret., part. 1. dist. xxxi. can. 12. col. 165; Socrat., H. E. i. 11; Sozom., H. E. i. 22.]

[e] In Protag. Plat. [tom. i. p. 322.]

[f] De nat. deor. [lib. i. cap. 5.]

[g] [Ad Minerv. et Alexandr., tom. iv. part. 1. col. 220.]

the fathers, to try all things, to retain that only which is good, and never to depart from the faith of the catholic church,' that is, from the creeds, which all christendom professes. And at another time when himself asked leave, in discourse with S. Austin, *Patiaris me cum talibus errare*[h], 'suffer me to go along with such great men, though to an error,' it would not be permitted, but reason was chosen and the authority neglected[i]. And this course all men have followed when they pleased, and knew they might and ought.

§ 3. 2) When the multitude of doctors are reducible to a single, or an inconsiderable principle and beginning. Thus an opinion entertained by a whole family and order of clerks, while they either generally do follow, or think themselves bound to follow the leading man in their own order, is to be reckoned but as a single opinion. The millenary opinion was driven to a head in Papias; the condemning unbaptized infants, in S. Austin, or S. Ambrose; and therefore their numerous followers are not to be reckoned into the account. For if they that follow consider it not, the case is evident; if they do, then their reasons are to be weighed, not their authority.

§ 4. 3) When it is notorious that there is, or may be a deception in that number, by reason of some evil ingredient in the production of the opinion; as if it be certain that the opinion was taken up because it serves an interest, the same men having been on the other side when their interest was there. That it is lawful to put heretics or disagreeing persons to death, is generally taught by the followers of Calvin and Beza where they do prevail: and yet no man that lives under them hath warrant to rely upon their authority in this question, because it is only where and when they have power, themselves having spoken against it in the days of their minority and under persecution. Under the same consideration it is, if there be any other reason against the men, not relating to their manners, but to their manner of entering or continuing in the persuasion.

§ 5. 4) But when these cautions are provided for, the multitude of authors hath a presumptive authority, that is, when there is no reason against the thing, nor against the men, we may presume upon the multitude of learned men in their proper faculty, that what they teach is good and innocent, and we may proceed to action accordingly. It can never make a conscience sure, but it may be innocent, because it is probable; but he that relies upon authority alone is governed by chance. Because, if the more be against him, he is prejudiced by multitude; if the fewer be against him, yet they may be the wisest: and whether they be or not, yet a tooth-drawer may sometimes speak a better reason; and one may carry it against multitudes, and neither one nor the other can justly induce a belief

[h] Vide 'Liberty of Prophesying,' sect. 8. [vol. v. p. 483, 4.] [chap. xi. p. 280, &c. ed. 8vo. Gen. 1632.]

[i] Daillé du Vrai usage des Pères.

unless they have considered all things; and if I can tell who hath done so, I am myself as well able to answer as they: for he that can judge who speaks best reason, or who is most fit to be trusted in the particular, must be able in himself to consider the particulars by which that judgment is to be made; if he can and does, he hath reason within him, and needs not follow authority alone; if he cannot, then he is governed by chance, and must be in the right or in the wrong according as it happens. For in many cases both sides have many advocates and abettors, and no man can tell who hath most, and each side says that their opinion is the most commonly received. In Venice there is a law that any man may kill his father if he be banished; some affirm this also to be lawful where such a law is in force, and they affirm this to be the common opinion. Julius Clarus[k] says that it is the common opinion, that though there be such a law, yet that it is unlawful to do it. It is commonly affirmed that it is lawful for such a banished person to defend himself, and if he can in his own defence to kill the invader. It is also a common opinion that this is as unlawful as for a condemned man to kill his executioner, because no war can be just on both sides. It is very commonly taught, that it is lawful by fraud, by surprise, by treason, to slay the banditti. It is also very commonly taught that this is absolutely unlawful. Sometimes that which was the common opinion an age ago, is now rarely maintained but by a few persons. It was a common opinion in Tertullian's time, that the souls departed are in outer courts expecting the revelation of the day of the Lord[l]; in the time of pope Leo, and Venerable Bede, and after, it was a common opinion that they were taken into the inner courts of heaven. Sometimes the place diversifies the opinion. In Germany and France, the Romanists worship the cross with a religious worship of the lowest kind of their own distinction; but in Spain they worship it with that which they call λατρεία, or the highest kind; and this is commonly done in the several countries respectively. When this, or any thing like this shall happen, unless by reason men be determined, they may draw lots for their opinion. But since the better part is not always the greater, it is left to me to choose which I will; and it is ten to one but I call the men of my own communion or my own acquaintance, the best; and it is certain I cannot judge of those with whom I do not converse.

§ 6. For these and many other concurrent causes, the proceeding is artificial and casual, and fit to lead the ignorant, but not the learned: and concerning the ignorant he can so little skill to choose his authority, that he must lie under that where he dwells, and where his fortune hath placed him. If he goes any whither else he hath no excuse, because he hath no sufficient inducement; and

[k] [Sentent., lib. v. § 'Homicidium.' num. 59. tom. ii. p. 95. ed. fol. Gen. 1739.]
[l] [See 'Liberty of Prophesying,' vol. v. p. 484.]

where a man cannot go alone, it is best for him to sit still where God's providence hath placed him, and follow the guides provided by the laws of his country where he was born, or where he lives:

Πουλύποδός μοι, τέκνον, ἔχων νόον—
Τοῖσιν ἐφαρμόζου, τῶν κεν κατὰ δῆμον ἵκηαι [m].

'Conform yourself to the laws of the people with whom you must abide.'

§ 7. This is the most proper way to conduct the ignorant in their cases of conscience in which themselves have no skill. They must believe one, and if they have a better way to proceed, let them pursue it: if they have not, this is certainly safe, because it is their best; and no man is tied to make use of better than he hath. And if they could fall into error, yet it could not be imputed to them with justice, while *bona fide* they fall into heresy, and are honestly betrayed. This only is to be added:

§ 8. They must make it as good as they can by enquiry (according to their circumstances, opportunities, and possibilities), and by prayers, and by innocent and honest purposes, for these only will secure our way, by means of God's providing. In this case there is no irregularity, because it is the best obedience which can be expressed by subordinate and weak understandings, and there is in it no danger, because the piety, and the prayers of the man will obtain God's blessing upon his innocent well-meaning soul. It was well said of Hesiod [n],

Οὗτος μὲν πανάριστος ὃς αὐτὸς πάντα νοήσει,
Φρασσάμενος τά κ' ἔπειτα καὶ ἐς τέλος ἦσιν ἀμείνω·
Ἐσθλὸς δ' αὖ κἀκεῖνος ὃς εὖ εἰπόντι πίθηται.
Ὃς δέ κε μήτ' αὐτὸς νοέῃ μήτ' ἄλλου ἀκούων
Ἐν θυμῷ βάλληται, ὃδ' αὖτ' ἀχρήϊος ἀνήρ.

'He is the best and wisest man who in himself knows what he ought to do, discerning what is best, and seeing unto the end of things. He also is good, who obeys the sayings of wise men, that counsel well; but he is a fool who not being able to advise or determine himself, refuses to be conducted by others.' Here only are the evils to be complained of.

§ 9. In some places there are a great many articles put into their public confessions, and a great many teachers of unnecessary propositions, and a great many idle and impertinent guides, who multiply questions lest themselves should seem useless; and amongst men there are many orders, and families, and societies, all which are desirous to advance themselves, and to get disciples and reputation; and on the other side, there are very many that are idle, and rather willing to trust others than to be troubled themselves; and many choose teachers for interest, and some have men's persons in admiration because of advantage; and princes have designs of

[m] Clearch. [apud Athen., lib. vii. cap. 102. tom. ii. p. 691.] [n] [Op. et dies, 291.]

state, and they would have religion minister to them, and there are a great many ecclesiastical laws made, and some of these pass into dogmatical propositions, and they teach for doctrines the commandments of men; and there are very many sects of men, and confident fools, who use to over-value their trifles, and teach them for necessary truths, and in all this uncertainty of things men are in the dark, and religion is become an art of wrangling; and the writers of controversies are oftentimes abused themselves, and oftener do abuse others; and therefore men are taught certain little rules to grope by, and walk in seas and upon rocks. But the things themselves are oftentimes so indifferent, and the reasons of either side so none at all, or so inconsiderable, that it comes to pass that the testimony of doctors is the guide that men choose (as they list) to follow; who because they teach contrary things, cannot be followed by their authority, and for reason, sometimes themselves have none, sometimes their disciples have not leisure to examine them, or judgment to discern them.

Quest.

§ 10. Here therefore is to be enquired, how shall the ignorant and vulgar people proceed in such cases where their teachers are divided?

1) I answer, that in most cases it is best for them to let them alone, and let them be divided still, and to follow them in those things where they do agree; but if it be in such cases where they must declare or act on one side, let them take that which they think to be the safest, or the most pious, the most charitable, and the most useful; that so by collateral considerations they may determine that which by the authority seems equal and undeterminable.

The collateral considerations are commonly these:

α) That which is more agreeable to the letter of scripture.
β) That which does most agree with the purpose and design of it.
γ) That which saints have practised
δ) That which whole nations have approved.
ε) That which is agreeable to common life.
ζ) That which is best for the public.
η) That which is most for the glory of God, for the reputation of His name, and agreeing with His attributes.
θ) That which is more holy.
ι) That which gives least confidence to sin and sinners.
κ) That which is most charitable to others.
λ) That which will give least offence.
μ) And (in destitution of all things else) that which is most useful to ourselves.

1) They who are to teach others may not rely upon single testimonies, or the slight probability of one doctor's opinion. This is true ordinarily and regularly, because such persons are supposed more at leisure, more instructed, better able to enquire, and to rely finally upon such single and weak supports is to 'do the work of the Lord negligently[r].'

§ 18. 2) If the opinion be probable upon the account of a more general reception, and be the more common, and allowed by wise and good men, they who are learned, and are to teach others, may lawfully follow the opinion without examining the reasons for which it is by those wise men entertained. For the work of learning and enquiry is so large and of immense extension, that it is impossible all men should perfectly enquire of all things. But some especially attend to one thing, some to another; and where men have best considered, they consider for themselves, and for others too, and themselves are helped by those others, in the proper matter of their consideration. A man's life is too short, and his abilities less, and it may be his leisure is least of all, and unable so to consider all that is fit to be believed and taught, that it will be necessary we should help one another; and the great teachers and doctors in several instances may ordinarily be relied upon without danger and inconvenience.

§ 19. 3) But if it happens that by circumstances and accidents the particular question be drawn out into a new enquiry; if a new doubt arise, or a scandal be feared, or the division of men's minds in the new inquest, then the reasons must be enquired into, and the authority is not sufficient.

α) Because the authority is by the new doubt made less probable, and is part of the question, and therefore ought not to be presumed right in its own case.

β) Because the duty of teachers is by this accident determined to this special enquiry, and called from their unactive rest, and implicit belief; because the enquirers upon this new account will be determined by nothing but by that reason that shall pretend strongest; and therefore they who are thus called upon, can no other ways give answer to them that ask. It was the universal doctrine of the church of God for many ages, even for fourteen centuries of years, that episcopacy is of divine, or apostolical institution. It was a sufficient warranty for a parish priest to teach that doctrine to his parishioners, because he found it taught everywhere, and questioned nowhere. But when afterwards this long prescribing truth came to be questioned, and reasons and scriptures pretended and offered against it, and a schism likely to be commenced upon it, it is not sufficient then to rely upon the bare word

[r] [Jer. xlviii. 10; interpr. pseudo-Clem., epist. ii. ad Jacob., p. 189, ed. fol. Colon. Agripp. 1563.]

of those excellent men who are able to prove it, (as it is supposed,) but they who are to teach others must first be instructed themselves in the particular arguments of probation; that according to the precepts apostolical, they may "render a reason of the hope that is in them," and may be able "both to exhort and to convince the gainsayers[a];" who because they expressly decline the authority, and the weight of testimony, cannot be convinced but by reason, and the way of their own proceeding.

RULE X.

IN FOLLOWING THE AUTHORITY OF MEN, NO RULE CAN BE ANTECEDENTLY GIVEN FOR THE CHOICE OF THE PERSONS, BUT THE CHOICE IS WHOLLY TO BE CONDUCTED BY PRUDENCE, AND ACCORDING TO THE SUBJECT MATTER.

§ 1. ANCIENT writers are more venerable, modern writers are more knowing. They might be better witnesses, but these are better judges. Antiquity did teach the millenary opinion, and that infants were to be communicated, that without baptism they were damned to the flames of hell; that angels are corporeal; that the souls of saints did not see God before doomsday; that sins once pardoned did return again upon case of relapse; that persons baptized by heretics were to be re-baptized; and they expounded scripture, in places innumerable, otherwise than they are at this day by men of all persuasions; and therefore no company of men will consent that in all cases the fathers are rather to be followed than their successors. They lived in the infancy of christianity, and we in the elder ages; they practised more and knew less, we know more and practise less; passion is for younger years, and for beginning of things, wisdom is by experience, and age, and progression. They were highly to be valued, because in more imperfect notices they had the more perfect piety: we are highly to be reproved, that in better discourses we have a most imperfect life, and an unactive religion: they in their cases of conscience took the safest part, but the moderns have chosen the most probable. It was the opinion of the ancient divines and lawyers, that every man is bound to make restitution of all that which he gains by play,

[a] [1 Pet. iii. 15; Tit. i. 9.]

ters of practice they were more to be followed, but not in questions of speculation; these later ages are indeed diseased like children that have the rickets, but their upper parts do swell, and their heads are bigger, *sagaciores in dogmate, nequiores in fide*, and if they could be abstracted from the mixtures of interest, and the engagement of their party, they are in many things better able to teach the people than the ancients: that is, they are best able to guide, but not always safest to be followed. If all circumstances were equal, that is, if the later ages were united, and governed, and disinterest, there is no question but they are the best instructors; there is certainly more certain notice of things, and better expositions of scriptures now than formerly, but because he that is to rely upon the authority of his guide, cannot choose by reasons, he can hardly tell now where to find them upon that account. There is more gold now than before, but it is more allayed in the running, or so hidden in heaps of tinsel, that when men are best pleased now-a-days they are most commonly cozened.

§ 4. If a man will take the middle ages, he may if he will, and that is all that can be said in it; for there can be no reason for it, but much against it. *Ego sane veteres veneror, et tantis nominibus semper assurgo; verum inter externa ætatem esse scio, omniaque non esse apud majores meliora*[y]: 'I for my part do more reverence the ancients, and use to rise up and bow my head to such reverend names,' as Irenæus, S. Cyprian, Origen, S. Hierome, S. Austin; but I reckon age amongst things that are without, it enters not into the constitution of truth; and this I know, that amongst these ancients, not all their sayings are the best. And on the other side, although antiquity is a gentle prejudice, and hath some authority, though no certainty or infallibility; so I know that novelty is a harder prejudice, and brings along with it no authority, but yet it is not a certain condemnation.

> Quod si tam Græcis novitas invisa fuisset
> Quam est nobis, quid nunc esset vetus, aut quid haberet
> Quod legeret tereretque vicissim publicus usus[z].

If our fathers in religion had refused every exposition of scripture that was new, we should by this time have had nothing old; but in this case what Martial[a] said of friendships, we may say of truths:

> Nec me, quod tibi sim novus, recuses:
> Omnes hoc veteres tui fuerunt.
> Tu tantum inspice qui novus paratur
> An possit fieri vetus sodalis.

Refuse nothing only because it is new[b]. For that which pretends

[y] [Sen. epist. lxiv. p. 224.]
[z] Horat. [epist. ii. 1. 90.]
[a] [lib. i. Epigr. 54. 4.]
[b] Videat lector epist. xix., Sancti Augustini; quæ est ad Hieronymum; [al. lxxxii. tom. ii. col. 190.] et epist. ad Fortunatianum. [epist. cxlviii. coll. 496, sqq.]

to age now, was once in infancy; only see if this new thing be fit to be entertained, and kept till it be old; that is, as the thing is in itself, not as it is in age, so it is to be valued, and so also are the men; for in this, as in all the other, the subject matter will help forward to the choice of a guide.

α) The analogy of faith.

β) The piety of a proposition.

γ) The safety of it, and its immunity from sin; these are right measures to guess at an article, but these are more intrinsical, and sometimes so difficult, that they cannot be made use of but by those who can judge of reason, and less need to be conducted by authority. But for these other who are wholly to be led by the power and sentence of their guide, besides what hath been already advised,

δ) The faculty and profession of men is much to be regarded, as that we trust divines in matters proper to their cognizance, and lawyers in their faculty; which advice is to be conducted by these measures.

WHEN THE AUTHORITY OF DIVINES IS TO BE PREFERRED, WHEN THAT OF LAWYERS.

§ 5. 1) The whole duty of a Christian consists in the laws of faith or religion, of sobriety, and of justice; and it is so great a work, that it is no more than needs that all the orders of wise and learned men should conduct and minister to it. But some portions of our duty are personal, and some are relative; some are private, and some are public; some are limited by the laws of God only, and some also by the laws of men; some are directed by nature, some by use and experience; and to some of these portions contemplative men can give best assistances, and the men of the world and business can give best help in the other necessities. Now because divines are therefore in many degrees separate from an active life, that they may with leisure attend to the conduct of things spiritual, and are chosen as the ministers of mercy, and the great reconcilers of the world, and therefore are forbidden to intermeddle in questions of blood: and because the affairs of the world in many instances are so entangled, so unconducing to the affairs of the spirit, so stubborn that they are hardly to be managed by a meek person, carried on by so much violence, that they are not to be rescued from being injurious but by a violence that is greater but more just; and because the interests of men are complicated and difficult, defended by customs, preserved in records, secured by sentences of judges, and yet admit variety by so many accidents, circumstances, and considerations, as will require the attendance of one whole sort of men, and of all men in the world divines are the least fit to be employed in such troubles and con-

affairs the authority of divines is to be preferred before that of lawyers, because the personal capacities of the men being equal in all things, the divines are exercised in the same matters, and therefore are both concerned and able, instructed and engaged, and though the lawyers are to be supposed honest, and just, and wise, yet all that also is to be supposed in divines, with some advantages of religion and tenderness which is bred in them by their perpetual conversation with the things of God. But in all things he comes the nearest to a sure way of being guided, who does his best and with greatest honesty of heart, and simplicity of pious desires to be truly informed. It was well said of Socrates, *An placeant Deo quæ feci, nescio; hoc certo scio, me sedulo hoc egisse ut placerent:* 'the things which I have done, whether they please God or no, I know not; but this I know assuredly, that I did earnestly desire, and diligently take care that they might please Him.'

§ 11. If the question be concerning other divisions of men, as of schoolmen and casuists, critics or preachers, the answer can be no other, but that in all faculties relating to any parts of religion, as there are very wise men, and very weak men, so there are some to be preferred in each faculty, if we could find out who they are: but this prelation is relative to the men, not to the faculty, if they were rightly handled. For the several faculties are nothing but the proper portion of matter assigned to the consideration of an order of mens in a proper method; but the great end is the same, only the means of persuading the same truth is different. But in the church of Rome they are made several trades, and have distinct principles, and serve special and disunited ends and interests; and therefore which of them is to be preferred, as to the making a probable opinion, is just to be answered, as if we should ask which is best of feathers or wool; they both of them have their excellencies in order to warmth, and yet if you offer to swallow them down they will infallibly choke you.

RULE XI.

HE THAT HATH GIVEN ASSENT TO ONE PART OF A PROBABLE OPINION, MAY LAWFULLY DEPOSE THAT CONSCIENCE AND THAT OPINION UPON CONFIDENCE OF THE SENTENCE OF ANOTHER.

§ 1. THE curate of S. Martin being sent for to do his last offices to a dying man, finds him speechless, but yet giving signs of his penitence, as beating his breasts, weeping and groaning, holding up

his hands, and looking pitifully, and in a penitent posture. The curate having read it, disputed whether such a person may be absolved, concerning whose repentance he can have no other testimony but mute signs, which may be produced by other causes, and finding arguments on both sides, consents to the negative as probable; and yet finding learned persons there who are of another opinion, lays aside the practices of his own opinion, and in compliance with the other, absolves the sick man. One that was present, and understood the whole process, enquires whether he did well or no, as supposing that to do against his own opinion is to do against his conscience; and a man's own conscience is more to him than ten watchmen that keep a city.

§ 2. In answer to this, it is to be considered there is a double consent to a proposition, the one is direct, the other a reflex; the first is directly terminated upon the honesty or dishonesty of the object, the other upon the manner of it, and modality. For instance, the curate does not directly consent to that part of the question which he hath chosen, as that which he will finally rely upon, but he consents to it only as a thing that is probable. If he were fully persuaded of the article as a thing certain, or as necessary (though of itself it be not so) or if he thinks it is not to be altered, then to do against his opinion were to do against his conscience, because the opinion were passed the region of speculation and ineffective notion, and is become a rule and immediate measure of action. But because he believes it only probable, that is, such in which he is not certain, but may be deceived, and may use liberty, he may as well choose that part of the probability which derives from the reputation and abilities of other men, as well as that which proceeds from considerations of those little intrinsic arguments which moved his assent lightly like a breath upon the waters, or the smile of an undiscerning infant. His own opinion is well enough concerning the honesty of the object, but yet he that chooses the other part may make an honest election; for his own opinion reflecting upon itself, not going beyond the stage of uncertainty and probability does openly challenge its own right of choosing another part; the conscience is no ways entangled and determined, but so chooses that it may choose again, if she sees cause for it, a cause in the particular case, which she espied not in the abstracted question.

§ 3. For he may prudently suppose that in what he is not certainly persuaded, another may be wiser and know more, and can judge surer: and if he have reason to think so, it may be a greater reason than that is by which himself did choose his own opinion and part of the probability; and he may have reason to think meanly of himself, and he may remember sad stories of his frequent deception, and be conscious of his own unaptness to pass an honest unbiassed sentence, and hath no reason to trust himself in matters of proper interest or relation.

§ 4. This rule hath no other variety in it but that it be managed by these cautions.

1) That the man upon whom we rely be neither ignorant nor vicious, so far as we can judge, and so far as relates to the present question, that is, that he be a person fit to be a guide of others.

2) That relying on others proceed not out of idleness, and impatience to enquire ourselves.

3) That the opinion of the other be not chosen because it better serves my ends or humour, but upon the preceding grounds of humility and mean opinion of myself, and great opinion of the other.

4) That it be only against his own probable persuasion so known, so considered, not against a sure conscience; that is, that it be in such a matter, in which the assent is but imperfect, and relying upon unsure inducements. For then he may as honestly trust the other's prudence as his own weakness, the other's leisure and consideration, as his own want of time and aptnesses to consider: and since the actions of most men in the world are conducted by the wit of others in very many things, and of all men in some things, it cannot be imprudence to take a guide to direct the conscience in what it is not sufficiently instructed by its own provisions.

§ 5. If the entercourse happen between the superior and the inferior, the liberty of changing our part of the probability is confirmed by a want of liberty to dissent. The subject may change his opinion, because he must obey wherever it is possible that he should; and that is in this case: in which it is not only true that the opinion is probable in itself, but that it and its contrary be both apprehended as probably true, and safely practicable. For then there is no excuse to the man, and the conscience of the article cannot be pretended against the conscience of obedience; and if it be lawful to obey, it is necessary to obey.

Hoc amo quod possum qualibet ire via[b].

Every man loves his liberty, but this liberty does engage our obedience; we might not obey our superior if God had engaged us in the contrary; but we may, when we are persuaded that the contrary opinion is probable, that is, conformable to reason, and fit enough to guide him that is not finally determined in his conscience to the contrary. For if it could be otherwise, then there were nothing to be given to authority; for in equal probabilities, it is likely if I choose one part, I am determined by a little thing, by a trifle, by a chance, by a humour; and if I be weighed down by never such a trifle, yet I am determined to the choice of one side, and it will be but an evil portion to authority, if it cannot be permitted to outweigh a humour and a chance, an ignorant confidence, or a vain presumption: and although it will be hard sometimes for a man to be convinced of the vanity of his argument, yet when his opinion is not only speculatively

[b] [Petron. Satyr., cap. xviii.]

but practically probable, that is, when it is considered only as probable, and the contrary altogether, or almost as well thought of, the arguments of the present persuasion are confessed to be but little, because they neither persuade nor abuse beyond a probability; and therefore in this case to out-face authority is without pretence, as much as it is without warrant. And this is affirmed by S. Austin[c] in the case of soldiers under a king, taking pay in a cause which either is just, or that they are not sure it is unjust. *Ergo vir justus si forte sub rege homine etiam sacrilego militet, recte potest illo jubente bellare, civicæ pacis ordinem servans, cui quod jubetur vel non esse contra Dei præceptum certum est, vel utrum sit, certum non est.*

§ 6. But if the entercourse happen between a physician and a patient, it is made to differ. For,

a) A physician may not leave a certain way and take an uncertain in the question of life or health; in matters of mere opinion, the very persuasion and probability of assent is warrant enough for the man, and the effect is innocent; but when so great an interest is engaged, the man becomes faster bound by the stricter ties of charity. It was a complaint that Pliny[d] made of physicians in his time, *Discunt periculis nostris, et experimenta per mortes agunt, medicoque tantum hominem occidisse impunitas summa est.* It is hard that a physician should grow wiser at no cheaper rate than the deaths of many patients. Now to do the thing directly is intolerable, but to do that which is not our best, and which is not safe, when we have by us that which is safe, and which we know is useful, is directly against charity, and justice, and prudence, and the faithfulness of a good man. But,

β) When a physician hath no better, he may take that course which is probable, for that is his best; he cannot be required to more, and he is excused, because he is required to minister. And this is yet more certain, if the sick person shall die without physic; but it is a venture whether the medicament may prevail for his cure or no. For then all the hazard is on the favourable side, and if it fails, the event is no worse; and it is charity to offer at a cure that is uncertainly good, but is certainly not evil.

γ) When the opinions are on both sides probable, he may take that which is in any sense safer, or in any degree, or by any means more probable, that is, for the community of the opinion, or the advantage it hath by the learning and reputation of them that hold it: so that he may leave his own opinion which is overcome by the greater argument, or the greater authority of another, though both the authority be less than that which binds, and the argument less than that which is certain.

[c] Lib. xxii. contr. Faustum, cap. 75. [tom. viii. col. 405 F.]; et habetur cap. 'Quid culpatur.' [Gratian. Decret. part. 2. caus. xxiii. qu. 1. [can. 4. col. 1403.]

[d] [Hist. nat., lib. xxix. cap. 8. § 3.]

RULE XII.

HE THAT ENQUIRES OF SEVERAL DOCTORS UNTIL HE FIND ONE ANSWERING ACCORDING TO HIS MIND, CANNOT BY THAT ENQUIRY MAKE HIS CONSCIENCE SAFE, BUT ACCORDING TO THE SUBJECT MATTER AND OTHER CIRCUMSTANCES HE MAY.

§ 1. SAINT PAUL remarks the folly of such men who heap up teachers of their own, that is, such who preach what they desire, and declare things lawful which God never made so; and he that hath entertained an opinion, and is in love with it, and will seek out for a kind and an indulgent nurse for it, cannot ordinarily be the more secure for the opinion of his guide, because the intrinsic motive of his assent is not his guide, but his own purposes and predisposing thoughts and resolutions; and the getting of a learned man to say so, is but an artifice to quiet the spirit, and make it rest in the deception if it so happens to be. This determination from without may possibly add a fantastic peace, but no moment to the honesty of the persuasion or conscience, because the conscience was not ready to rely upon the authority, but resolved to go somewhere else for an authority, if here it could not be had: and therefore the conscience could not be made probable by the authority, because the resolution of the conscience was antecedent to it.

§ 2. This is true ordinarily and regularly, and there are usually many appendent deceptions; as an impatient desire to have that true which I desire, a willingness to be deceived, a resolution to bring our ends about, a consequent using means of being pleased and cozened, a concealing some circumstances, and a false stating of the question, which is an infallible sign of an evil conscience, and a mind resolved upon the conclusion, desirous of a security, or sleepy quietness, and incurious of truth. But yet there are some cases in which this changing of guides and enquiries is not only innocent, but an instrument of a just confidence.

§ 3. 1) When the enquirer hath very probable inducements for his opinion, and remains really unsatisfied in the answers and accounts of the first doctors.

2) When he hath an indifferency to any part that may appear true, but it falls out that nothing does seem true to him but what he hath already entertained.

3) When the assent to our own proposition is determined, so as to avoid a real doubt or perplexity, but yet a scruple remains, that is, some little degrees of confidence are wanting, which cannot be better supplied than by an extrinsical argument, the authority of a wise man.

4) When the enquiring person is under a weakness and temptation, and wants some to apply his own notices to him, and to make them operative and persuasive upon his spirit; as it happens to very many men always, and to all men sometimes.

5) When the case is favourable and apt for pity and relief, as in the dangers of despair, then the enquirer not only may, but ought to go till he find a person that can speak comfort to him upon true grounds of scripture and revelation.

6) When the purpose of the enquirer is to be landed upon any virtue, and pious state of life or design, he may receive his encouragement and final determination from him whom he chooses for his opinion sake, and conformity to his own pious intentions.

§ 4. The reason of these exceptions is this: because the matter being just, favourable, and innocent, the man goes right, and by being confirmed in his way, receives no detriment to his soul or his duty; and because they are tendencies to duty, it is to be presumed that the enquirer intends honestly and piously; and now since the way is secure, and the person well intending, if the instrument of establishing this good course were very incompetent, it might be an imperfection in nature, but not in morality.

RULE XIII.

HE THAT IS ASKED CONCERNING A CASE THAT IS ON EITHER SIDE PROBABLE, MAY ANSWER AGAINST HIS OWN OPINION, IF THE CONTRARY BE PROBABLE AND MORE SAFE, OR MORE EXPEDIENT AND FAVOURABLE

§ 1. THE reason is, because he that holds an opinion which himself believes only to be probable, knows also there is no necessity in counselling it to another, because it is not certainly true; and he may rather counsel the contrary to another than follow it himself, because himself is already determined, which the other is not, but is indifferent.

§ 2. But why he should rather do so than counsel his own opinion, there is no reason in the thing, but something relating to the person enquiring; as if the opinion which he maintains not, be more agreeable with the other's circumstances and necessities. Codrus enquires if he be tied to restitution of all the fruits of a field which he held in a dubious title. The curate thinks it to be a probable opinion, that he is bound; but because Codrus is poor, or apt to break the bridle of religion if it holds him too hard, he may counsel him according to the opinion of them that affirm that he is not bound to restitution. If he be asked what his own opinion is, he

must not speak contrary to it; but when the question only is asked in order to a resolution, he may point to go that way where by his own sentence he may be safe, and by reason of the other's necessities he may be more advantaged. The reason of this is, because when two opinions are equally probable, the scales are turned by piety, or charity, or any good thing that is of collateral regard, and therefore makes a greater degree of artificial probability, and is in such cases sufficient for determination. For in direct reason the case is equal, and in the indirect there is great advantage on the side of charity, or accidental necessity, or compliance with any fair and just interest. Christian religion is the best natured institution in the world.

§ 3. The like case it is, when the opinion of the curate is such, that the enquirer will probably abuse it to licentiousness and evil mistake; for then the curate may prudently conceal his own sentence, and borrow his brother's candle to light a person that is in danger.

RULE XIV.

WHEN THE GUIDE OF SOULS IS OF A DIFFERENT OPINION FROM HIS CHARGE OR PENITENT, HE IS NOT BOUND TO EXACT CONFORMITY TO HIS OWN OPINION THAT IS BUT PROBABLE, BUT MAY PROCEED ACCORDING TO THE CONSCIENCE OF THE PENITENT

§ 1. THAT is, supposing the opinion of the penitent to be probable, and that he did the action *bona fide*, and as an act commendable, or permitted; he is not to be troubled with what is past, lest that be turned into a scruple which was no sin, and lest the curate judge unrighteous judgment, and prescribe afflictions for that for which God shall never call him to judgment; for in this case it is, that no man can be the judge of another man's conscience.

§ 2. But if the opinion of the penitent be certainly false, or the parent, or protector, or the occasion of a sin, the guide of his soul must not comply at all with it, but discover the error and the danger. He that kills his brother because he is zealous in another opinion, and thinks he does God good service, must not be permitted in his erring conscience and criminal persuasion; for the matter hath altered the case, and in the relations of duty the error is always vincible, and therefore intolerable: and therefore Peter Lombard's mother upon her death-bed was admonished to confess her sin in having three children by illegal mixtures, though she was foolishly persuaded it was no sin, because her sons did prove to be such excellent persons, and instruments of divine glory[d].

[d] [See vol. iv. p. 386.]

RULE XV.

THE SENTENCE AND ARBITREMENT OF A PRUDENT AND GOOD MAN, THOUGH IT BE OF ITSELF BUT PROBABLE, YET IS MORE THAN A PROBABLE WARRANTY TO ACTIONS OTHERWISE UNDETERMINABLE.

Sicut vir prudens eam definierit, is the great measure which Aristotle[o] and all the moral philosophers assign to very many cases and questions. If two cases that seem equally probable, have in them different degrees of safety, that the safest is to be chosen is certain; but oftentimes the sentence and opinion of a good man is the only rule by which we judge concerning safety. When piety and religion are in competition for our present attendance, sometimes piety to our parents is to be preferred, sometimes an action of religion in its own season; but what portion of our services is to be allowed to the one and the other is *sicut vir prudens definierit,* 'according as a good and a prudent man shall determine.' To bury the dead is good, to relieve the living poor is ordinarily better; but yet there was a time in which there was a proper season for that, and not for this; and our blessed Saviour commended Mary's devotion and choice in so doing; but when we also may do one or the other, depends upon circumstances and accidents which are not immediately the subject of laws, but of prudent consideration. Human laws bind the conscience of their subjects, but yet give place to just and charitable causes; but which are competent and sufficient is not expressly and minutely declared, but is to be defined by the moderation and prudence of a good man. That we are to be careful in the conduct of our temporal affairs, in paying of our debts, in making provisions for our children is certain and confessed: but besides the general measures and limits of carefulness described by our blessed Saviour, our earnestness of prosecution, our acts of provision and labour are to be esteemed regular or irregular by the sentence of a wise and a good man. The significations of love to our children and nearest relatives, the measures of compliance with the fashions of the world, the degrees of ornament or neglect in clothing, intention of our actions and passions, and their degrees, the use and necessities and pretences for omissions in good things, and generally all the accidental appendages of action are determinable only this way; and a probability is enough to determine us; but that this is the way of introducing the probability is upon this reason; because next to the provision of laws, stands the man who is obedient to laws and understands them, and next to the reason of the law, stands the analogy and proportion of those laws; and therefore this

[o] [Ethic. Nic., lib. ii. cap. 6, tom. ii. p. 1107.]

is the next best to the laws, it stands nearest to reason, is the best guide that is left us, and therefore a proper measure of conscience in the destitution of that which is most proper.

There are many other rules concerning the exercise of a probable conscience, in the cases and questions of kings and priests, of advocates and judges, in matters of sacraments and government, which are to be referred to the place of their proper matter; but this is also to be determined by the rules here assigned, and have no particular consideration, except what merely relates to the matter.

CHAP. V.

OF A DOUBTFUL CONSCIENCE.

RULE I.

A DOUBTFUL CONSCIENCE ASSENTS TO NEITHER SIDE OF THE QUESTION, AND BRINGS NO DIRECT OBLIGATION.

§ 1. THE conscience being in its proper operations positive and practical; when it is neither, it is not properly and directly conscience: and because it binds to obedience by its determination and assent, and its consequent inclining the will, when the understanding is not determined, nor the will inclined, there can no action follow, but a total suspension of action is its proper consequent.

§ 2. But upon this there is only a reflex act of conscience and understanding; for by considering that our conscience is doubtful and indeterminable, we are obliged to suspend our action; but then this is the act, not of a doubtful, but of a right conscience, because in this we are certain, and right, and determined: so that a doubtful conscience is but an equivocal and improper conscience; like an unresolved will, or an artist with his hands bound behind him: that is, the man hath a conscience, but it is then in chains and fetters, and he wears a hood upon his eye, and his arm in a string, and is only to be taught how to cut the knot, and to do some little things of advantage or security to his intermedial state of impediment; but a doubtful conscience can be no rule of human actions.

§ 3. But yet some collateral and indirect obligations are passed upon the man by that state of infelicity, according to the nature of the doubt.

§ 4. In order to which, doubts are considered, either as relating to the law, or as relating to matters of fact, viz., whether such a thing be lawful or not? or whether I did such an action or no, by which I am bound to restitution and repentance?

§ 5. Doubts also are negative, or positive, that is, they are still upon us because there is no means to determine the understanding; as no man can ever be resolved whether the number of the stars be even or odd; when is the precise minute in which a man first comes to the use of reason; and this is called a negative doubt. The positive enters by the indifferency of the arguments, and their equal weight on both sides; as if it be doubted whether the souls departed enjoy the beatific vision before the day of judgment? whether the residence on a benefice be an indispensable precept, or in what cases it obliges not? whether ecclesiastical persons be bound by justice or by charity to give all that they can prudently spare to the poor? These are positive doubts, because there are many arguments on either side.

§ 6. The negative doubt is either metaphysical or moral, or it is only a suspicion; that is, these are several degrees of such a doubt, for the determination of which there is no sufficient instrument.

§ 7. Lastly, sometimes a doubt is placed only in the understanding, without any effect but the trouble of thoughts; and then for method's sake, and right understanding of the rules of practice, it is called a speculative doubt. Sometimes this doubt passes on to the conscience, and hath influence upon the action or event; so as to be an impediment to it, or the spoil of it, that is, so as to cause that it shall not be done, or if it be done that it becomes a sin: and this is called a practical doubt.

According to these distinctions the following rules are useful in order to practice.

RULE II.

A NEGATIVE DOUBT NEITHER BINDS TO ACTION, NOR ENQUIRY, NOR REPENTANCE; BUT IT BINDS ONLY TO CAUTION AND OBSERVANCE.

§ 1. 1) THAT it 'binds not to action,' I affirm upon the same ground, by which the same is affirmed concerning all doubting consciences. It binds from action; for whatsoever is done with a doubting conscience (that is, without faith, or fulness of persuasion that it is lawful to do it) is a sin. S. Paul[f] gave us the rule, "Whatsoever is not of faith is sin." *Quod dubitas ne feceris*, said Cicero[g]. For if we

[f] [Rom. xiv. 23.] [g] [Lege Plin., lib. i. epist. 18; et cf. Cic. de offic., lib. i. cap. 9.]

do it with a doubting conscience, we do it without our rule, which is the dictate of our conscience, and since no action is indifferent between lawful and unlawful (though between good and bad there may), to do without our rule of lawful and permitted is to do against it, even that which is not permitted, and therefore is unlawful. Add to this, Secondly,

He that does not know whether it be lawful or no, does that which he is not sure but it may be forbidden by God, and displeasing to Him; and to do that which I know not but may grieve my friend, or trouble him, cannot consent with my love to him; and therefore every act of a doubting conscience is against charity. In the question of lawful or unlawful, not to know it to be lawful is to enter upon it with a mind willing to admit the unlawful; it is all one to be in the dark as to be without a candle or a star, and either of them is as bad, as full of ignorance and obscurity, as if we shut our eyes, or put the candle out. When therefore it happens that our conscience doubts whether such an act be a sin or no, a good man will be sure not to sin; but in that case, and while the doubt remains, he can have no security, but by not doing it.

§ 2. 2) 'It binds not to enquiry;' because there is no competent means to find out a resolution; for that is the state of the question, that is the definition of a negative doubt. Fabiola doubts whether in her childhood she did never take God's name in vain; and although she be bound to enquire in all the reasonable and remembered parts of her life, because of them she may find some records, and in that case the doubt is not negative; yet of the state of childhood she cannot be obliged to make enquiry, because there was then no law, no register, no court kept, no judgment, no choice; that is, she cannot be obliged to an effect that is impossible, and to an act that is to no purpose.

§ 3. 3) 'It binds not to repentance.' In case she fears exceedingly, supposing this still to be a negative doubt, that is, such a one, for the proper resolution of which there are no competent arguments or instruments. Fabiola not knowing whether she did or no, and it being impossible afterwards to find it out, Fabiola is not tied to ask forgiveness for the blasphemies of her childhood: for no obligation can come from what is not, or cannot be, known.

§ 4. This is to be understood to be true of that sort of negative doubt which is called metaphysical, when there is no possibility of knowing; as it is impossible to know what little pretty phantasm made us to smile when we hanged upon our mothers' breasts; and the doubt is only founded upon the possibility that the thing might have been, though now it be impossible to find out whether it was or no. It is possible that being a child I might laugh at scripture, or mock an apostle; but if this could bring an obligation to an act of repentance, then the same obligation passes upon all men in all actions and periods of their lives, for all things, and in all cases in

which they do not remember all, or did not observe every circumstance, or did not consider every minute, or weigh every degree. For in every thing there is a possibility that I might have done something very ill.

§ 5. But there is a negative doubt which is called morally negative; that is, when there is no way of being readily and clearly determined, but yet the doubt is founded upon some light conjecture, and no more. I was tempted, or I had an opportunity, or an evil thought came cross me, and I know my own infirmity; and this according to the degrees of the conjecture can oblige us to a general and conditional repentance; thus, if I did amiss, God of His mercy impute it not unto me. "I know not, my conscience does not accuse me[h]," (so S. Paul,) but "I am not hereby justified;" "God is greater than my conscience." By this set the words of S. John, and they will determine the case: "If our hearts condemn us not, then have we peace towards God[i];" that is, the doubt in this matter ought to be laid down, if our hearts do not pass sentence against us; but not so wholly but that we may provide against a danger not actually felt: we ought to be peaceful, but not too confident, when there is any probability of error and deception. The peace is warranted by S. John, the wariness is exemplified by S. Paul.

§ 6. 4) 'It does bind to caution and observance.' Every thing does so, where either there is a danger, or any is suspected, or any is possible, or any ever was: and therefore, for this there needs no peculiar reason, only according to the approach of the negative doubt to any degrees of its being positive; that is, to a probability that it is as we doubt, the observance ought to be stricter, and the caution more severe, which happens in that imperfect kind of imperfection, in suspicion, which is but the image of doubting.

§ 7. For there is yet another sort of doubting, which may be called a privative doubt. Titius is invited to eat with one of another communion. First he checks at it, but because he knows no reason against it, nor indeed did ever dispute, or hear the question disputed, whether it be lawful or no, he goes. The question is, whether he did well or no?

§ 8. Concerning which the case is evident, that whatsoever is not of faith is sin, that is, if it be not done with a persuasion that it is lawful. But if a man be persuaded that he may lawfully do any thing against which he knows no law, no commandment, no reason; this is not a doubting conscience, but a probable, and therefore need not to abate the action. But if this also turn into a doubt the case is altered. For he that thinks he may not do it, or doubts whether he may or no do a thing for which he hath no command, or no positive and affirmative warrant, and that it is no sufficient reason or warrant for the doing it that he knows nothing against it, unless he also have something for it; this man thus persuaded or abused, may

[h] [1 Cor. iv. 4.] [i] [1 John iii. 21.]

not proceed to action. For in this case he hath nothing for it, and one great thing against it, even this proposition, that a thing is not to be done in such a case, which is the case of a privative doubt. But for the thing itself, the next rule gives an account of it.

RULE III.

A PRIVATIVE DOUBT CANNOT OF ITSELF HINDER A MAN FROM ACTING WHAT HE IS MOVED TO BY AN EXTRINSIC ARGUMENT OR INDUCEMENT THAT IS IN ITSELF PRUDENT OR INNOCENT.

§ 1. 'It cannot of itself hinder;' that is, abstracting from the circumstance of accidental doubting or not doubting. The reason is, because there being no law against it by which he is actually ruled, and no reason appearing in defiance of it, there being no intrinsical dissuasive, the conscience is only left to be conducted or persuaded by the extrinsical.

§ 2. For all actions are left indifferent till by a superinduced law they are restrained; which superinduced law wants its publication, if inculpably I have no notice of it in my conscience. But this is to be allowed with this caution, that this entering upon actions against which we know no reason or law, be not sudden, and violent, and careless, like the rushing of a horse into a battle, without consideration; but that we consider according to our strength, and to our time, whether there be any reasons for or against the act in question, and if we find none, let us make none; that is, let us not by our unreasonable and impertinent doubting place a snare for our own feet there where none is placed by the prohibition.

§ 3. If it be a matter that concerns the interest of another, let us always be the more wary, and remember, if there be nothing against it, there must be something for it, either in the matter, or in the manner, either in justice or in charity, or at least by the securities of the safer part, by which if we find no reward, yet we are sure to find indemnity.

§ 4. This whole advice is of great use in the circumstances of the duty that concerns the married pairs; in which the doctors of cases of conscience have spoken what they please, and in many things wholly by chance or fancy; and the holy state of marriage ought to be rescued from many of their snares and intricacies by which they have troubled it, as will appear when I shall speak to the rules of that affair.

RULE IV.

IN DOUBTS OF RIGHT, OR LAW, WE ARE ALWAYS BOUND TO ENQUIRE; BUT IN DOUBTS OF FACT NOT ALWAYS.

§ 1. THE reason is, because ignorance of our duty is always a sin, and therefore when we are in a perceived, discernible state of danger, he that refuses to enquire after his duty, does not desire to do it.

§ 2. In matters of fact we are bound ordinarily to enquire, because we must not be ignorant of the state of our consciences, and what obligation there is to restitution, or repentance, which the more particular it is, the more perfect it is. But this I say, that though ordinarily it be true that we are obliged, yet in some cases it may happen that it is safer to trust the event of things with a general repentance, than that the conscience of some men be tempted with a particular notice of the fact.

§ 3. 1) This happens in those that are weak-hearted, soft, and apt to every impression in too deep a regard. A Castilian gentleman being newly recovered from the sad effects of a melancholy spirit, and an affrighting conscience, and being entertained by some that waited on him with sports and innocent pastimes to divert his scaring thoughts; he with his company shot many arrows in a public field at rovers[1]: at that time there was a man killed, whether by his arrows or no, he knew not, and is forbidden to enquire: and his case had in it reason enough to warrant the advice: the knowledge of it could not have done him so much good, as it would have done him hurt; and it was better he should be permitted to a doubting than to a despairing conscience, as in his case it was too likely to have happened. It is better to be suspected than to be seen.

§ 4. 2) This also is so to be advised, when the enquiry into the doubt of fact may be prejudicial to a third person. A priest going to the West Indies by misfortune wounds one of his company, whom with much trouble and sorrow, he leaves to be cured of his hurt, but passes on to his voyage, which he finished at a huge distance from the place of his misfortune. The merchants come the next year that way, and he is unwilling to enquire concerning his sick friend; desirous he was to know good of him, but infinitely fearful lest he be dead: consulting therefore with his superior in the case, was directed not to enquire, upon this account; because if the man were dead the priest would be irregular, and a whole parish unprovided for, and left without rites and sacraments, and public offices, which then and there could not easily be supplied.

§ 5. But in matters of right or duty enquiry must be made, ever, when the question is of the lawfulness or unlawfulness of what is to

[1] [See Todd's Johnson, 'rovers.']

be done; because we enter upon danger, and despise our own safety, and are careless of our duty, and not zealous for God, nor yet subjects of conscience, or of the Spirit of God, if we do not well enquire of an action we are to do, whether it be good or bad. But when the act is done, and done with an actual persuasion that it was lawful, the conscience of that person is not easily to be disturbed, which is to be understood with these cautions:

§ 6. 1) When the question was probable on either side, and at the time of acting, was chosen with its just measures and provisions; then although the complice or partner of the act do change his opinion, and think himself bound to repent, yet he is not bound to trouble the other. Anthony a gentleman of Parma being in love with Maria de Rupe, being moved with great interests of his person, and a great necessity, consummates his marriage before publication, they both of them being persuaded that it is lawful. He afterwards changes his opinion, thinks it a sin, and repents and begs pardon, but being also in doubt whether he ought to tell his wife of it, was advised to the contrary, upon this amongst many other concurrent reasons, because what was innocently done, cannot be condemned in that in which it was innocent: for the man himself ought to be sorrowful for his being deceived (if he thinks he was) but he cannot be tied to repent of the act, which supposing his then present persuasion was lawful, because done according to a probable conscience: and therefore much less ought he to disturb the peace of his wife, whose persuasion remains the same as at first. What was not a sin at first, cannot in that individual act become a sin afterwards.

§ 7. 2) This is also to be understood, when the act leaves no evil effect, or hath done no hurt to a third person; but if it do, then my peace is not to be bought at the expense of another's evil. No man is to be made better or left so, by another's detriment; and therefore if a child were begotten in that unripe and hasty consummation, and that child should be declared bastard, then the peace is to be disturbed, and the enquiry on all hands to be curious and busy, because in all such cases there is something of duty for the future concerned in it; sometimes restitution, but always repentance in particular.

§ 8. 3) This is also true when the fact that is past is not introductive of more and new instances; for if it was the wrong side of the probability which was chosen, and the same kind of action is to return often, there the conscience though heartily persuaded, must be awakened from its security by him that believes it to be a sin that was done, and then the interested party must enquire; the reason of this is, because this concerns the future, and all the world when they enter upon action must enquire anew when they have reason to doubt anew, and they may be called upon, and must be better informed by them that can and are concerned. For the honour of God and the interest of His service is in this case concerned, which in the other is

not, when it only relates to a single and a past action, which was then lawful, and therefore will not afterwards be imputed.

§ 9. 4) When the person interested does of himself doubt whether the past act was lawful or not, and desires to be satisfied, and that there will be no evil effect in the alteration of his persuasion, then it is fit he be complied with in that which he judges to be for the interest of his soul, for this is certainly the better; the other way of concealing and not enquiring being only permitted in some cases, and with so many cautions and reservations as are before expressed.

RULE V.

IN DOUBTS THE SAFER PART IS TO BE CHOSEN.

§ 1. WHEN the conscience is doubtful, neither part can be chosen till the doubt be laid down; but to choose the safer part is an extrinsical means instrumental to the deposition of the doubt, and changing the conscience from doubtful to probable. This rule therefore does properly belong to the probable conscience: for that the conscience is positively doubtful is but accidental to the question and appendant to the person. For the reasons on either side make the conscience probable, unless fear, or some other accident make the man not able to rest on either side. For in matters of conscience it is as hard to find a case so equally probable that a man shall find nothing without or within to determine him, as it is to find that which the philosophers call, *temperamentum ad pondus*, a constitution so equal that no part shall excel the other. For if there were nothing in the things to distinguish them, yet in the man there is a natural propensity which will make him love one sort of arguments more than another. What can be more indifferent than to see two dogs fight? and yet no man sees their cruelty, but he wishes better to one than to another[k]: and although no opinions are so very even, yet if they were, the man hath an acquisite, or else a natural bias, or something of contingency that will determine him: and if the conscience remains undetermined, so that he may not, or dare not venture upon either part, it is certainly a disease, or a direct infirmity. And because such persons can do nothing at all till their doubtful is changed into a probable conscience, this discourse must relate to that conscience that is probable, though in compliance with the usual ways of speaking, I have placed it here.

§ 2. 1) The rule therefore is to be understood to be good advice,

[k] [Compare p. 80 above.]

but not necessary in all cases. For when the contrary opinion is the more probable, and this the more safe, to do this is a prudent compliance, either with a timorous or with an ignorant conscience; it is always an effect of piety, and a strong will to good, but very often an effect of a weak understanding; that is, such an one which is inclined to scruple, and dares not trust the truth of his proposition, or God with his soul in the pursuance of it. And indeed sometimes there is in this some little suspicion of the event of things which must needs reflect upon the goodness of God, under whom we fancy we cannot be so safe by pursuing that rule and guide that He hath given us, that is, the best reason, and the fairest inducement, as we may be by relying upon the sureness of the matter. Indeed we ourselves are so wholly immerged in matter that we are conducted by it, and its relations in very many things; but we may as well rely upon formalities and spiritual securities (if we understood them) as upon the material; and it is as safe to rely upon the surer side of reason as upon the surer side of the thing. Now that which is the more probable hath the same advantage in constituting a conscience formally safe, as the other less probable but surer side hath for the making the conscience safe materially.

§ 3. 2) If the conscience be probable, and so evenly weighed that the determination on either side is difficult, then the safer side is ordinarily to be chosen, because that helps to outweigh and determine the scale; that is, when reason and the proper motives of the question are not sufficient to determine it, let auxiliaries be taken from without, and if the conscience be not made securer by its rule, let it be made safe by the material. It is just as the building of an house. If the architect be not wise and knowing how to secure the fabric by rules of art, and advantages of complication, and the contexture of parts, let him support it with pillars great and massy; for if the other be wanting, these will sustain the roof sure enough, but with some rudeness in the thing, and imperfection in the whole.

§ 4. 3) If to that which is the surer side there be a great inconvenience consequent, the avoiding of that inconvenience being laid on the opposite even part, will outweigh the consideration of the safety. Quintus Milo commands his servant Aufidius whom he had taken for the teaching grammar and rhetoric to his children, that he would learn the trade of a shoemaker. Aufidius doubts whether his master Q. Milo hath power to command him to do that which was no part of the employment for which he was entertained, and yet because the thing is of itself lawful and honest, he considers it is the safest course for him to obey, for certainly in so doing he sins not; and thus far he is bound, and was in the right. But if to learn that mean trade will dishonour and disable him, make him a fool and contemptible, and ruin his hopes and his interests when he leaves the service of Milo, the servant is not tied to follow that which is more safe, but that which is more charitable and prudent. *In dubiis juris*

tutior pars sequenda est, et obedire teneor, si commode possim, was the rule: because the reason abstractedly considered makes the question safe on either side, as the determination happens; and the avoiding an intolerable inconvenience is as considerable as the accidental security, and in many cases more complying with charity, because in a question in which the conscience is probable there is a great safety without taking in the advantage of a safe matter, by the proper efficacy and influence of the reason making a probable and an honest conscience; but then when the safety is provided for fairly other ways, and for the most part sufficiently, and the inconvenience on the other side is not provided for; in all such cases we must leave that which is materially sure, for the choice of that which in its formality is equally sure, and in its matter more charitable. A little child came to my door for alms, of whom I was told he was run from his mother's house and his own honest employment; but in his wandering he was almost starved: I found that if I relieved him, he would not return to his mother, if I did not relieve him, he would not be able. I considered that indeed his soul's interests were more to be regarded and secured than his body, and his sin rather to be prevented than his sickness, and therefore not to relieve him seemed at first the greater charity. But when I weighed against these considerations, that his sin is uncertain, and future, and arbitrary, but his need is certain, and present, and natural; that he may choose whether he will sin or no; but cannot in the present case choose whether he will perish or no; that if he be not relieved he dies in his sin, but many things may intervene to reform his vicious inclination; that the natural necessity is extreme, but that he will sin is no way necessary, and hath in it no degrees of unavoidable necessity; and above all, that if he abuses my relief to evil purposes which I intended not, it is his fault, not mine; but the question being concerning my duty not his, and that to relieve him is my duty and not his, and that therefore if I do not relieve him, the sin is also mine and not his; and that by bidding of him to do his duty I acquit myself on one side, but by bidding him to be warm and fed, I cannot be acquitted on the other, I took that side which was at least equally sure and certainly more charitable.

§ 5. This also happens in the matter of justice very often. It is the surer side in many cases to restore, and is a testimony of an honest mind, that to secure its eternal interest, will quit the temporal. But if to restore will undo a man, and the case is indifferent, or at least probable that he is not bound, then it is not necessary to restore, though to restore be the surer side; and if the interest of a third person, as of wife, or children, be also involved in the question, then the enquiring person bound is not to restore; because in the present case there is a certain uncharitableness, and but an uncertain justice, that is, a duty certainly omitted, for the securing of another that is not certain.

§ 6. 4) When the more probable is also the more safe, there is no question but the safer is to be chosen. For so, the conscience is made the more sure both materially and formally; that is, by the better reason, and the more advantageous matter, and he that does otherwise, exposes himself to an evident danger of sinning, having nothing to out-balance either the direct reason, or the accidental safety.

§ 7. 5) Sometimes it happens that what is safe in one regard, is dangerous in another, and on each side of the probability there is a danger and a safety. Vittoria Columbina a Venetian lady was married to five magnifico's successively; and they all being dead, and she left very rich, young, and tempted to a sixth marriage, advises with her confessor whether or no she may lawfully do it? he tells her that it is not only probable, but certain that she may; but it were better if she kept her widowhood, and after so much sense of mortality retire to religion. But that he may determine her case with more certainty she tells him, she had once resolved with herself to live a widow, but finds she shall not be free from temptation in that state, and desires him to tell her if she may lawfully marry, notwithstanding that resolution, which now to be something altered he perceives by her question. He answers, that it is the surest course to determine for chastity and abstinence, her state of widowhood being more certainly pleasing than the other. But then she hints her temptation, and asks if some sure course is not to be taken for her being secured in that point too? This arrests his thoughts upon a new consideration, but the result is this:

§ 8. 1) When there are two securities to be provided for, one of the thing, and the other of the person; that of the person is first to be provided for. It is the safer part of the question to determine on the side of chastity, or virginity, or widowhood, but this may be the unsafer side to the person, who if he suffers temptation is to be provided for by that answer which gives him remedy and ease.

§ 9. 2) But if it happens that there is danger on either side to the person, that is the surer side which provides against that temptation which is strongest and most imminent, and which if it prevails is of the worst consequence.

§ 10. 3) This is also to be understood in those cases when temporal life is offered in question against the danger of a sin. Michael Verinus a young gentleman of Spain, by reason of his living a single life was pressed with so great inconvenience that he fell into a lingering and dangerous sickness. The physicians advise him to use his remedy, though he be not married, and being it was in order to his health, which was not else to be recovered, they presumed it lawful, or did not care whether it were or no, but however they advise him to it. He doubts of it, and dares not be uncharitable and die for want of remedy, if he might have it, and yet dares not commit an act of uncleanliness; but finding on either hand a sin threatening

him, and if he flies from a lion he meets a bear, or is told that a bear is in the way: he at last flies from the evil beast that stood before him, and chooses that way which was evidently the safest, not to his health, but to his salvation, not to his body, but his soul; and chose rather to die, than to do that which he was certainly persuaded to be a sin, and of the other he was not so sure.

Sola Venus potuit lento succurrere morbo,
Ne se pollueret, maluit ille mori[l].

In other things, the prudence of a guide must be his only rule.

The sum is this:

§ 11. 1) If the doubt be equal and the danger equal, the doubt must be laid aside, or there can be no action consequent: and for the danger, if you choose one, you may choose either, for there is no difference; a dagger or a sword is all one to him that must die by one.

§ 12. 2) If the doubt be unequal and the danger equal, the resolution must be on that side where there is the most confidence, that is, where the less cause of doubting is apprehended; as if I have but enough to give one alms, and I see two ready to perish, and I can relieve but one; the danger is equal, for *pasce fame morientem, si non pavisti, occidisti*, said S. Ambrose[m]: but one is my friend, and the other is a stranger; in this case the doubt is unequal, and I ought to prefer my friend.

§ 13. 3) If the danger be unequal, and the doubt equal, the resolution must be made in compliance with our safety. For there is nothing to weigh down in the doubt, yet there is something to weigh down in the danger, and that is sufficient.

§ 14. 4) If the doubt be unequal, and the danger unequal, there we must take the least danger, though on the least side of the probability, because there can no degree of sin be consented to; and therefore when by our own fault or infelicity we must be forced to fall upon one, we must take the less, by the same reason for which we are to refuse all that we can. Mævius Caligarius a Roman gentleman and newly converted to christianity, observes that his friend Agricola was pursued by his enemies unto death, and was by them asked concerning him whether he were in his house or no. He knew he was, but knows also that if he confesses it he shall die. He doubts whether it be lawful to lie to save his friend's life or no, and cannot resolve whether it be or no, but inclines rather to think it is not lawful. But he considers if it be lawful, then he is guilty of his friend's death, who refused to save him at an innocent charge. But if it be not lawful, he does but tell an officious lie, so long as the doubt remains, he must rather venture upon an uncertain sin in the officious lie, than the uncertain but greater sin of homicide.

[l] [Angel. Politian., epigr. p. 616.]
[m] [So Gratian., part 1, dist. lxxxvi. cap. 21, col. 440; but see the note on the passage.]

These are the cases in which the danger is on both sides.

§ 15. 5) But if there be danger on one side only, and a doubt on both sides, there is no question but that side is to be chosen where there is no danger; unless the doubt on one side be contemptible and inconsiderable, and the other not so.

RULE VI.

IT IS LAWFUL FOR THE CONSCIENCE TO PROCEED TO ACTION AGAINST A DOUBT THAT IS MERELY SPECULATIVE.

§ 1. In a sure conscience the speculative and the practical are the same in certain consequence, as I have already proved in its own place[n]; but in a doubting conscience the case is differing. For though it be ordinarily true here also that he that doubts speculatively does also doubt practically; as if he doubts concerning all usurarious contracts, whether it be lawful or no to use any, he doubts also concerning this which himself uses, if it be usurarious. But because there may intervene a special case, and that which is true in general may be altered in the particular, it may happen that he may be certain and determined in the particular when he is not so in the general; that is, when the case is special, by privilege or exemption, or the ceasing of the reason, or by any other special case he may think himself acquitted, when yet the action is culpable in its whole kind.

§ 2. But by a speculative doubt sometimes is meant not the general, but the question abstracted from circumstances; and in this it sometimes happens that though the conscience doubt concerning the question, yet it does not doubt concerning the practice. Titius is possessed of a field on which he entered by inheritance, and wholly without fraud and violence; but yet upon some supervening notices he afterwards doubts whether the field be his own by a just title[o]; but because he is informed by his confessor and others on whom he does and may rely, that possession is a collateral title, and that what he so possesses he may still dwell upon till it be certain that it is not his own; he rests at quiet in his mind, because possession is stronger than his doubt, though it cannot prevail against demonstration.

§ 3. Mary of Rheims, the wife of a soldier, is told by his captain that her husband was killed at the battle of Pavy; after her year of mourning was expired she marries again to a citizen of Rheims, and

[n] Chap. ii. rule 3. [p. 52, &c.]
[o] [Bardus, discept. iv. cap. 18. p. 224; et discept. v. cap. 4. p. 303, 4.]

cohabits with him two years[p]; after which she is told that her first husband escaped to Tarentum, and there lives in obscurity. Upon this she doubts whether the citizen be really her husband or no; yet living with him he demands her to pay her conjugal duty, she enquires whether during this doubt she may or no, and is answered affirmatively upon the same grounds: the citizen is in possession of the marriage, and this is not to be disturbed by a doubt, but by a certainty, especially since the doubt is but a speculative doubt, not a practical. For it is no good argument to say, I doubt whether this man be my husband or no, therefore if I consent to him I commit adultery; for the presumption lying upon the possessor, though his title be dubious, yet his possession is not, and either of them both are to have a portion in the effect, and therefore the certain possession in a dubious title is to be preferred before a dubious title without possession, and therefore this kind of doubt ought not to hinder the effect of the present duty. For in this case it is not true,—'the antecedent is doubtful, therefore so is the consequent.' For as out of falsehood truth may come, so out of doubts may come certainty. I see a great way off father Grimaldi moving his lips; I suppose he is disputing, whom yet I was told not to be alive. I argue thus, 'He disputes, therefore he is not dead.' The consequent is certain, but the antecedent is doubtful; so it is in the present case. I doubt whether this woman be and ought to be my wife, but because she is legally so and so reputed and in possession, I do infer that therefore I must pay my duty to her, till it be certain that she is not my wife. For though I doubt of the person whether or no she be my wife, yet I am certain, or I may be certain of this, that he that approaches to her who is in possession of marriage may do it lawfully; he only does fornicate who approaches to her of whom I am certain that she is not my wife. But if of this proposition also I doubt, the doubt is practical, and I may not do it, till by some means the doubt be resolved or laid aside. But so long as it is a question speculative, the action may be determinate and lawful, and introduced upon many accounts.

§ 4. For the fuller manifestation of which secret, because it is of great concernment, and hath influence upon the conscience in many great actions and entercourse of human society, it is remarkable that we cannot argue thus,—This man is not *bonæ fidei possessor*, a 'possessor by a just faith,' therefore he possesses it *mala fide*, 'by an unjust:' so neither does this follow, This man possesses it not with an evil faith, therefore he possesses it with a good faith. It does neither way follow negatively. But this consequence is good,—He is a possessor by a good faith, therefore he does not possess it by an evil. Or, He is a possessor by an evil faith, therefore he does not possess it by a good; it follows either way affirmatively. The reason of the difference is this; if it be good it cannot be bad; and if it be

[p] ['year,'—A.]

bad it cannot be good; if it be one, it cannot be the other, but it may happen that it may be neither good nor bad, for there is a medium or a third between good and bad faith or honesty of possession; and this consists in a speculative doubt, by which the possessor doubts whether that which is in his hands be in his right, or belongs to him or to another; and that he who so doubts hath neither good nor bad faith is expressed by the gloss in *l.* 1. *C. De acq. poss.*[p] *gl. in l.* 2. *ff. Pro solut.*[q] *et gl. in l.* 3. § *'Genera,' ff. De acq. poss.*[r]

§ 5. The consequent of which is this, that because he who so doubts is not *bonæ fidei possessor*, therefore he cannot from thence begin to prescribe or to acquire a just title, because of the rule of the law[s], *Quod ab initio non valuit, progressu temporis valere non debet*, and it cannot by time get strength to walk which enters into the world without feet; now the doubting conscience is but a lame supporter. But yet because such a conscience which only hath this speculative doubt is not *malæ fidei possessor*, therefore he may lawfully still retain the possession till the contrary be evicted.

There is this only to be added, that although prescription or other ways of just title cannot begin with a doubting conscience, yet if it entered with a throughly persuaded conscience, it may go on though it be disquieted by a supervening doubt. The reason is, because it having lawful parents of its birth and first production, cannot be killed and destroyed by a suit at law; it began well, and therefore had just principles of its progression, and whatsoever hath the first advantage of just and reasonable, is always to be so presumed till the contrary be proved; a doubt therefore may make the man unquiet, and tie him to enquire, but cannot interrupt the possession or the beginning and growing title. Besides the reason, this sentence is confirmed by the concurring testimonies of Bartolus, Imola, Sylvester, Felinus, Balbus, and Johannes Hannibal, under their titles *De præscriptionibus et usucapionibus.*

§ 6. There are some accidental hardnesses to the conscience which are innocent, and because besides the even measures of good and evil by lawful and unlawful, there are some paths chalked out to us by necessities, by conveniences, by presumptions, by securities, and other indefinite aims at things which can sometimes weigh down the best of our imperfect conjectures in some obscure cases, we may as well walk by the light of the stars, and better too, than to walk quite in the dark; and not only the sun is appointed to rule the day, but there are the moon and the stars to govern the night: plain and easy rules make a sure conscience, but the doubtful and the dark must be content with a less light.

§ 7. For, unlearned men are oftentimes beset with the arguments

[p] [Cod. Justin., lib. vii. tit. 32. l. 1, col. 1645, ed. fol. Par. 1576.]

[q] [Digest., lib. xli. tit. 4. l. 2. tom. iii. col. 487, ed. fol. Antv. 1575.]

[r] [ibid., tit. ii. l. 3. col. 416.]

[s] [vid. digest., lib. l. tit. 17, 'De divers. reg. jur.,' l. 29. Gothofred., corp. jur. civil. col. 1854.]

of a talking man, which they cannot answer, but create a speculative doubt, and such as destroys all the certainty of evidence which they had; but if they should not stick to their own conclusion in despite of all the objections by a certainty of adhesion, they might be disturbed in every thing, and confident in nothing, and might if they met with a heretic be fooled out of their religion, and quit the most material parts of their belief. And even the learned have in many articles a presumptive assent to their propositions; and if they be made to doubt in their understanding by the opposition of an adversary, they are not instantly to change their practice, but to enquire further. For if after every such doubting their practice must be insecure or criminal, they may be forced to a lightness greater than that of the Egyptian priests[t]: and some men can believe well, and dispute ill, but yet their faith must not change at the argument of every sophister. In these cases the practice is made secure by a collateral light, and he is defended from change by reputation, and custom, by fear of scandal, and the tie of laws, and by many other indirect instruments of determination, which although they cannot out-wit the contrary arguments, yet they ought to outweigh the doubt, and guide the will, and rule the conscience in such cases.

§ 8. There is nothing but a weak man may doubt of, but if he be well, he must not change his foot, till it be made certain to him that he is deceived; let him consider what he please, and determine at leisure; let him be swift to hear, but slow to speak, and slower yet in declaring by his action and changed course, that his doubt hath prevailed upon him. I knew a scholar once who was a man of a quick apprehension, and easy to receive an objection, who when he read the Roman doctors was very much of their opinion, and as much against them when he read their adversaries; but kept himself to the religion of his country, concerning which at all times he remembered that there were rare arguments and answers respectively, though he could not then think upon them. There are temptations of faith and opinion, and they are to be resisted sometimes by indirect ways of proceeding, and artifices of the spirit; and sometimes men in sickness are afflicted with doubting and trembling consciences, but yet are supported only with general remembrances, they consider that there are comforts, and excellent promises, and instruments of hope, and wise and holy sayings by which they were nursed up to that height of strength, that they are now able to fight in the dark: if the speculative doubting conscience should always prevail in practice, the ignorant might be abused and miserable in all things, and the learned in most.

[t] [Herod. Euterp., cap. lxxxix.]

RULE VII.

EVERY DICTATE AND JUDGMENT OF THE CONSCIENCE, THOUGH IT BE LITTLE AND LESS MATERIAL, IS SUFFICIENT AND MAY BE MADE USE OF FOR THE DEPOSITION OF A DOUBT.

§ 1. EVERY little reason is not sufficient to guide the will, or to make an honest or a probable conscience, as I have proved in the foregoing chapter[n]; but in a doubting conscience, that is, where there are seemingly great reasons of either side, and the conscience not able to determine between them, but hangs like a needle between two loadstones, and can go to neither, because it equally inclines to both; there it is, that any little dictate that can come on one side and turn the scale is to be admitted to counsel and to action: for a doubt is a disease in conscience, like an irresolution in action, and is therefore to be removed at any just rate, and any excuse taken rather than have it permitted. For even to wash in Jordan may cure a leprosy, and a glass of wine may ease the infirmities of the stomach; and he is too ceremonious in the matter of life and death, that stands upon punctilios with nature, and will not be cured but by rich medicines. For in a doubting conscience the immediate cure is not to choose right, that is the remedy in an erring conscience; but when the disease or evil is doubting, or suspension, the remedy is determination; and to effect this, whatsoever is sufficient may be chosen and used.

§ 2. Every conscience that proceeds probably, proceeds honestly, unless by a greater probability it be engaged against the less; now to make a conscience that is probable, yet even more probable, a little advantage is sufficient; which is to be understood with these cautions:

§ 3. 1) When the doubt is equal and the danger alike on either side, then a smaller superfœtation of argument will do the work, that is, cure the doubting; for though a little argument is not alone a ground for the action of a wise man, yet a little overplus of reason will take off this calamity of irresolution and trepidation; it is not enough to outweigh any danger, but it can with the portion of the equal measures which stand on its own side, by its little weight cast the balance.

§ 4. 2) This is not so easily to be admitted when the judgment of the man is discernibly and perceivably little and not to be trusted, for then the superaddition that is made by him to any part of the doubt may be as wholly inconsiderable as the doubt itself is troublesome; and though this may make the doubt to be laid aside, as it

[n] Rule 7. [p. 192.]

will also determine such a man in the whole traverse of the question, yet it is the worst remedy of the doubt, and an insufficient introduction of the probability. In this case the doubt is to be laid aside by the advice and authority of some person fit to lead him, rather than by the confidence of his own little superadded impertinency. For indeed it is not good to have the sacredness of a conscience governed by weakness and contingency.

§ 5. 3) When the doubting person is inconstant, let him not speedily act what he lightly determines by the sudden intervening humour; for he that changes quickly judges lightly, but fancies strongly, and acts passionately, and repents speedily and often; therefore let such a man when he perceives his own infirmity stop at the gates of action, lest the laying down one doubt multiply many, and he become more miserable in his remedy than in his sickness.

§ 6. In pursuance of this rule it is to be taken care of that fear be not mistaken for doubt; for there is oftentimes a doubt no where but in the will, and the more slender and weak the judgment is, oftentimes the fear is greater; and sometimes they fear because they fear, and not because they have reason: when therefore the doubt does not rely upon such a reason as can be formed into an argument and discourse, but is an unreasonable trouble, and an infinite nothing; the doubt ought directly to be laid aside, for it is no way considerable, but only that it is a considerable trouble.

RULE VIII.

WHEN TWO PRECEPTS CONTRARY TO EACH OTHER MEET TOGETHER ABOUT THE SAME QUESTION, THAT IS TO BE PREFERRED WHICH BINDS MOST.

§ 1. THIS rule we learn from the eighth council of Toledo, *Ubi periculi necessitas . . . compulerit, id debemus resolvere quod minori nexu noscitur obligare; quid autem ex his levius, quidve sit gravius, pietatis acumine investigemus*[v]. The council instances in the keeping wicked oaths and promises, where though the instance be mistaken, and that in the matter of wicked promises the case is not perplexed, and it is no sin to break them, but a sin to keep them; yet upon supposition that the conscience is doubtful whether it be lawful to break them, and whether it be lawful to keep them, and fears a sin on either side, the council hath given a right answer, the evil that is least is to be chosen. *Etenim dum perjurare compellimur, Creatorem quidem offendimus, sed nos tantummodo maculamus; cum vero noxia promissa complemus, et Dei jussa superbe contemnimus, et proximis impia crudelitate nocemus, et nos ipsos cru-*

[v] Concil. Tolet. viii. Can. 2. temp. Martini P. [tom. iii. col. 959. D.]

deliori mortis gladio trucidamus: 'he that having sworn to do an evil turn breaks his oath, offends God by putting his name to a lie and a villany, and he pollutes his own soul: but he that keeps his oath when he hath so sworn, despises the commandments of God, and hurts his neighbour with an impious cruelty, and destroys himself with a worse.' On this side therefore there being the more and worse evils than on the other, we must decline furthest from this. For if all evil is to be avoided, then all degrees of evil are; and when we cannot avoid as much as we should, we must avoid as much as we can. We must choose none directly, but when we are forced upon some by our own infelicity or fault, it is the best remedy for the gangrene that we lose our arm or leg, and he that is in the fatal necessity no otherwise can be permitted to choose a sin, than he is supposed to be desirous to be cut of the stone, when upon any terms he resolves he never will or can endure the torments of the disease. The great reason of this rule is that which was given by Aristotle[y], ἐν ἀγαθοῦ γὰρ λόγῳ γίνεται τὸ ἔλαττον κακὸν πρὸς τὸ μεῖζον κακόν· ἔστι γὰρ τὸ ἔλαττον κακὸν μᾶλλον αἱρετὸν τοῦ μείζονος· τὸ δὲ αἱρετὸν ἀγαθὸν, καὶ τὸ μᾶλλον μεῖζον, 'the less evil in respect of the greater evil is to be accounted good; because the less evil is rather to be chosen than the greater; and what is in any sense eligible is in some sense good, and that which is more eligible is a greater good.'

§ 2. But it seems something harder to enquire concerning this case when it relates to others: for so it uses to be asked;

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Whether it be lawful to advise, to counsel, to petition, to determine, to make use of the doubt of another, or his necessity or perplexity, and to call upon him to do that which is a sin? The case is this; Pollio an intemperate and wanton young man falls into adulteries and unnatural lusts; his friend Publius Asinius advises him not so, but if he will not leave his vileness, better it is to satisfy his lust by single fornication, and the less harmful complications:

> Et quas Euphrates, et quas mihi mittit Orontes
> Me capiant; nolo furta pudica thori [z].

Whether or no Publius does well or no in giving this advice, is the question. The reasons of doubting are these: because he that advises evil is guilty of the sin which he procures; and he that any way consents or induces another to sin, shall be partner in the punishment.

§ 3. To this I answer,

1) That in the whole entercourse there are to be considered the

[y] Ethic. Nic., lib. v. cap. 7. [tom. ii. p. 1131.]
[z] [Propert., lib. ii. eleg. 23. lin. 21.]

formal sin, the material part of the action, and the degrees of the obliquity. The formal part, or the sinfulness cannot, must not be countenanced, or assisted at all, directly or indirectly; and in the present case it is so far from being countenanced, that it is reduced to as little a proportion as it can, as near to a destruction as the present necessity or perplexity will permit, and it is out of hatred to the obliquity or sinfulness that this lesser way is propounded. Pilate seeing the Jews resolved to do a spite to the holy and most innocent Jesus, propounded to them a lesser way than murdering him; "I will scourge Him, and let Him go." Pilate's conscience was not perplexed, though his interest was, and therefore there was no necessity for him to do either, and neither ought he to have propounded the lesser evil, which it may be themselves did not design: indeed if they were resolved to do one, he might have persuaded the less, not absolutely (for nothing could have made that lawful) but comparatively, that is, rather that than the other, if ye will do one.

§ 4. 2) But for the material part of the action, if it be already prepared, and the malice known and declared, it is lawful to propound a less instance of the sin without persuading to it; which is to be understood with these cautions:

α) That it be only with a purpose of hindering a greater.

β) When the lesser cannot be hindered, but at least so much must be done by way of redemption. As if Caius resolves to ravish a matron to satisfy his lust, it is lawful to divert his lust upon a common prostitute, who sells her soul for bread; because her malice is always ready and watches for an opportunity, and sins no less if she wants opportunity which she thirsts after.

γ) That it be ever without the prejudice of a third person: as if one of the banditti intends to kill one man, and this happens to be offered to a public and a brave man, it is not lawful to point out his sword to the striking of a meaner person to save the other, because though in respect of the effect it be a less evil, yet it is a direct uncharitableness to a third, which can receive no warrant or legitimation by the intention of the propounder; for although he intends that a less evil be done for the public, yet he intends a greater evil to the particular.

δ) That it be in a case certainly known where the malice is apparent and declared, and the matter prepared: for thus we see that God who sees the hearts of men, diverts their prepared malice upon some special matter which serves the ends of His providence, and verifies the prophecies of God, and so brings His designs to effect, and a certain event by contingent or voluntary instruments. But we may no further imitate this, than we can attain to little portions of the knowledge of men's private and particular purposes.

§ 5. 3) But as for the degrees of the obliquity or irregularity, it is certain, none is to be persuaded or assisted directly, but suffered in the whole, and persuaded in the instance by way of remedy against

the greater and more intolerable. Thus Moses permitted divorces, that the Jews might not commit open and frequent adulteries, or kill their wives when they grew weary of them. Thus an inconvenience is suffered rather than a mischief shall be introduced: and some fooleries and weak usages are suffered in some churches, rather than by reforming them make the ignorant people think all religion is indifferent: and if all the people of the Greek church did perceive that any of their old customs were fit to be rescinded, they would upon the same easiness quit their whole religion and turn Turks. And though an error is not to be permitted in any church when it can be peaceably amended, and when it cannot it is, as often as it can be, peaceably to be discouraged; yet when the necessity is great, and the evil feared is certain and felt, and is intolerable; it is a sad necessity, but no man can help it, and therefore it must be as it may, the lesser error is to be endured till it can be remedied, with a remedy that is not worse than the disease.

Quest.

§ 6. Upon this occasion, and for the reducing the rule to practice, and to regulate a case which now-a-days happens too frequently; it is not amiss to enquire concerning the necessities of women married to adulterous and morose vile-natured husbands; whether it be lawful for a wife out of a desire to live with some degree of a tolerable comfort, to connive at her husband's stolen pleasures, and to permit him quietly to enjoy his folly? and what is a woman's duty, and what were her most prudent course, and manner of deportment?

§ 7. Some of great reputation in the church of God both of old and later times put a speedy period to this enquiry, and absolutely condemn it as unlawful for a man or woman to live with their husband or wife respectively, if either of them be notoriously guilty of adultery. Of this opinion was S. Hierome[y], saying that a man is *sub maledictione si adulteram retineat*, he is 'under a curse if he retains an adulteress in his embraces.' And S. Chrysostom[z]; *Sicut crudelis est et iniquus qui castam dimittit, sic fatuus est et injustus qui retinet meretricem; nam patronus turpitudinis ejus est qui crimen celat uxoris;* 'as he is cruel and unjust who puts a chaste wife from him, so he is unjust and a fool that keeps a harlot: for he is a patron of his wife's turpitude, who conceals his wife's adultery.' And this they prove out of Solomon[a]; *Qui tenet adulteram stultus est;* almost the words which S. Chrysostom uses. He is a fool that keeps an adulteress: ἀσεβὴς it is in the Greek LXX. 'He is an ungodly man.' And of the same opinion was Bucer in the last age,

[y] In Matth. xix. [tom. iv. part. 1. col. 87.]

[z] [Op. imperfect. in Matt. hom. xxxii., tom. vi. p. 135. B; apud Gratian. decret., part. 1.] caus. xxxii. q. 1. cap. 'Sicut,' [col. 1733.]

[a] [Prov. xviii. 22.]

who for his opinion brings two arguments which are not contemptible. The first is taken from Deut. xxiv. 4, where God enjoins that if a man puts away his wife, he must at no hand receive her again, *quia ipsa polluta est*, she is defiled, meaning if any man else hath lien with her: and if this be a good reason, it will conclude stronger, that if she have committed adultery, she may not be entertained, because in that case she is more polluted, and where the reason of the commandment does intervene, there also the obligation does go along. But the other is yet more considerable; for if God commanded that the adulteress should be stoned to death, certainly He much rather intended she should be turned out of doors. To which I add this consideration, that since an adulterer is made one flesh with the harlot with whom he mingles impure embraces, it follows that he hath dissolved the union which he had with his wife, or she with her husband; for he cannot be one with his wife, and one with the harlot, and yet he be one in himself and they two, for that is a perfect contradiction; for that which is one with two, is not one but two. Now for a woman to lie with a man, or a man with a woman, between whom there is not a just and legitimate union, seems to be an unjust and illegitimate uniting, and therefore it cannot be lawful to lie with an adulterer who is one with an harlot.

§ 8. Before I come to the resolution of the question, I must describe how much these arguments do prove and infer; because though they do not prove so much as their contrivers do intend, yet they do something towards the whole question. 1) The words of S. Hierome infer nothing but this, that to live with a harlot is a great calamity and a horrible curse, and it cannot indeed tend towards a blessing, or end well, or be at all endured, if it be not intended to purposes beyond the proper effect of that calamity. He that is smitten with a leprosy, or he that is hanged upon a tree, is accursed; but if the leprosy makes a man run to God or to Christ, or the man that dies upon a tree does confess and glorify God, and by his death intends to do so, the leper shall be presented pure before the throne of grace, and he that hangs upon the tree does die with Christ, and shall reign with Him for ever. 2) And the design expressed in the words of S. Chrysostom do verify this commentary upon the words of S. Hierome. For S. Chrysostom charging not only infelicity (as the other does) but folly and cruelty upon him who retains a harlot; gives this reason, because he is a patron of his wife's turpitude if he conceals it; meaning it, if he conceals it out of carelessness and positive neglect, or which is worse, out of interest, or base designs. All wise and good men in the world condemn the fact of Cato, who did lend his wife Martia, a virtuous and a chaste matron, to his friend Hortensius: he that conceals his wife's crime with an unwillingness to reform it, or a pleasure in the sin, or the fruits of it, is his wife's betrayer and murderer; nay, he is an adulterer to his own wife. But these words cannot be true in all cases, for he that conceals her

shame, lest the discovery should make her impudent and harden her face, he is no patron of the sin, but a careful guardian watching lest she should commit a worse. And this also is the meaning of the words of Solomon; for although they are not at all in our bibles, because they are not found in the Hebrew text, yet the words which are found in the Greek LXX. and in the vulgar Latin, and which were certainly in the bibles which S. Hierome and S. Chrysostom did use, and which were the cause and original of their opinion, have in them this sense; that as he who expels a good woman thrusts good from his house, so he that does not thrust an evil woman thence, an adulteress, he is a fool; meaning if he connives at her wickedness, or unless he have something to sweeten the sufferance, or some pious purposes to sanctify his action. But if it were absolutely unlawful, then the adulteress were a person of a desperate fortune, irremediable and irrecoverable, uncapable of mercy or repentance; or if she were, yet her husband's charity and forgiveness might by no means be instrumental to it; and yet S. Paul in a case that was extremely bad, even in the case of infidelity, *Qui scis mulier an virum sis lucratura*, 'what knowest thou O woman whether thou mayest gain thy husband[b]?' But the arguments of Bucer being intended directly against the lawfulness of retaining an adulteress, or living with an adulterous husband, are to have distinct answers. For although where a commandment is given with a reason, wherever the same reason is, it does not always follow that there is the same obligation, because although God is sometimes pleased to give a reason for the precept, yet the reason did not bind without the precept, but the precept does bind without a reason, which demonstrates that the obligation proceeds wholly from the authority of God, and not from the reason, (as I intend to shew more largely in its proper place,) yet besides this I say, the reason is not rightly rendered in the usual translations: *Non poterit prior maritus recipere, quia polluta est*, 'the first husband may not receive her, because she is defiled:' for the words in the Hebrew are אֲשֶׁר הֻטְמָאָה, which do not signify 'because she is polluted,' but *quia facta est polluere se*, 'because she is made to defile herself;' meaning that because her first husband had thrust her out and offered her to be humbled by him that would, he being the cause of that pollution hath lost all right to her, and the privilege of restitution: and then this case refers not to a simple adultery, but to him who betrays or exposes his wife to adultery; and indeed such a person might not in Moses' law receive her again: and this was the case of Cato and Socrates, who were very free in lending their wives, as a man lends an utensil. As for the case of lapidation, it is true, the woman if she were legally convicted were to die; but the husband was not bound to accuse her, he might pardon her if he pleased, and conceal the fact; he might pardon her for his share, as Christ did the woman taken in

[b] [1 Cor. vii. 16.]

adultery; or put her away privately, as Joseph upon a mistake intended to do to the blessed virgin-mother: but that it is therefore unlawful to retain her whom his soul loves, whom he would fain convert, whom he desires and hopes to reform, or that God did intend the good man should not use any of his charity and kindness to any such purpose, is not at all to be concluded by these arguments. Now as to the last, the adulterous man is one with the harlot, but this union is not a natural union, but a spiritual and legal, as appears by the effect of second and third marriages; for one person can no more be one naturally with two or three successively, than he can be one with many at one time; and when the patriarchs were married to divers women at once, they were not naturally one with them all, but legally they were; that is, they were conjoined in holy bands, and were to very many purposes to be reckoned but as one. Ἓν γάρ εἰσιν ἀνὴρ καὶ γυνὴ τῇ φύσει, τῇ συμπνοίᾳ, τῇ ἑνώσει, τῇ διαθέσει, τῷ βίῳ, τῷ τρόπῳ, κεχωρισμένοι δέ εἰσι τῷ σχήματι καὶ τῷ ἀριθμῷ, said Clemens. They were one person by union of affection, they had one bed, one purse, one interest, community of children, communication of bodies, equal rights, as to the power of marriage, the same band of duty, tied by the same mystery. Now he or she that commits adultery breaks this union, and divides or imparts some of the rights due to each other by an impure person, and they become one flesh in an impure mixture. Now because he or she that first breaks this union loses their own right by invading or giving away another's, therefore the offending person may be put away and refused in their petition of right, which they have lost by doing wrong. But the adultery hath not so united the offending persons, but that the union can, and may better be broke, and the erring party reduced to his rule and to his right. For it is but a legal, and it is a spiritual or intellectual union, which is to be done not by material but by moral instruments, which can eternally return, and be effective when they do. The way then being thus far made straight, I answer;

§ 9. That it is not only lawful, but may have in it great piety and great charity for a woman still to cohabit with an adulterous husband. The lawfulness appears, in that there is no prohibition by a divine commandment, no natural uncleanness in it; and this appears as all other negative pretences can, even by evacuating the pretences made to the contrary. Of this opinion was S. Basil, who also made a canon for it, and commanded it to be done in his church, as appears in his epistle to Amphilochius[c]. The same also was the sentence of S. Austin to Pollentius, in his book *de adulterinis conjugiis*[d]: and of pope Pelagius in his epistle to Melleus his subdeacon[e]. But they it seems went against the general stream, for they were not

[c] Epist. 1. [al. clxxxviii.] can. 9. [tom. iii. p. 273, 4.] et can. 21. [epist. excix. p. 293.]

[d] [lib. ii. cap. 6. tom. vi. col. 407.]

[e] [Gratian. decret., part. 2. caus. xxxii. quæst. 1. cap. 5. col. 1735.]

only forced to dispute it, but also to limit the question and the permission. For David received his wife Michol[f] who had lived with another man; and S. Paul advises the wife to be reconciled to her husband[g]; and Christ forgave the woman taken in adultery[h], and God not only is ready to forgive, but calls and invites His church to return to His love though she hath been an adulteress, and committed fornication against Him: but therefore so may a man, but it ought only to be done in case the sinning person does repent: only S. Basil is for the living still with the adulterer though he wallow in his sin; but does not think it fit the man should be tied to do so to his adulterous wife. That he or she respectively may if they still live with the sinning person, needs no other proof but this, that the innocent being also the injured person may forgive the injury done to them; and that it may have in it great piety and great charity is certain upon the same account upon which it can be piety and charity to suffer injuries, to be patient, to have a long-suffering spirit, to exhort, to entreat, to bring the sinner to repentance, to convert a soul, to save a sinner from the evil of his way. But this is to be practised with the following measures and cautions:

§ 10. 1) The innocent person must not be bound to do this, because the union being dissolved, the criminal hath lost his right, and therefore if the other use their liberty, they do no wrong; and although it may be good charity in many instances to do it, yet because there is no direct obligation in any, and there may be great uncharitableness to one's self as the case may happen, no one's liberty is to be prejudiced in this particular, but they are to be exhorted to all instances of charity; ever remembering that saying of God by the prophet, "The Lord God of Israel saith He hateth putting away[i]."

§ 11. 2) The innocent person may lawfully retain the criminal, though he or she have no other end or purpose in it but the love of the person, or the retaining of their own rights temporal, or any other thing that is in itself honest and lawful: and the reason is, because the fault of the one is not to prejudice the other; and it is misery enough to be injured in their direct relation, and not that this injury compel them to receive another. If Titius be an adulterer, his wife Caia hath not lost her power over his body, or her interest in his family or fortune.

§ 12. 3) This is to last as long as there is any hopes of repentance, and the repentance is to be procured and endeavoured by all direct means, and by all the indirect means which are ministered to the innocent person by the power and advantages which his or her innocence gives over the guiltiness of the other: such as are, reproving his fault, denying conjugal rights, delating the person, bringing

[f] [2 Sam. iii. 14.]
[g] [1 Cor. vii. 11.]
[h] [John viii. 11.]
[i] [Mal. ii. 16.]

him or her to private shame, procuring reproof from spiritual superiors, or natural relatives, and indeed any thing that can be prudent, and by which the offender can be made better, and will not be made worse.

§ 13. 4) If there be no hopes of repentance, yet still the innocent person may use their own rights, not only because there may be possibilities and real consequent events when we have no hopes; and S. Paul's[j] question, *Qui scis o mulier,* 'how knowest thou O woman whether thou shalt gain thy husband?' may still have place, not only I say for this reason, but for the foregoing; the innocent person does not lose his or her right, and therefore may still possess what otherwise she might quit; and his incontinence does not oblige her to be exposed to the danger of a πύρωσις or 'ustulation,' nor to be reproached with the noises of divorce, nor offered to an actual poverty, or dereliction, or to become an actual widow before death.

§ 14. 5) If the retaining the adulteress be actually scandalous, the church in that case hath been more restrained in her permission, and hath commanded the innocent person to put the offending woman away: and therefore the fathers in the council of Eliberis[k] refused to give the communion to a clergyman even at the last, if he did not *statim projicere,* instantly expel from his house his wife, whom he knew to commit adultery: and in the council of Neo-Cæsarea[l] he was to be deposed from his dignity in the same case; the reason is given by the council of Eliberis, *Ne ab his, qui exemplum bonæ conversationis esse debent, videantur magisteria scelerum procedere;* lest their houses which ought to be the examples of piety and chastity, become the precedents and warranty of uncleanness. This is nothing else but a pursuance of the canon apostolical, requiring that bishops and deacons should be such who rule their own houses well[m]; for if they cannot do that, it is not easy to be supposed they can well rule the church of God: and though a good man may have an evil wife, and such a one whom no prudence can govern; yet if she be an adulteress, he can put her away, though he cannot govern her: and indeed all such reproaches ought to be infinitely removed from the houses of those, whose lives and whose governments ought to be exemplar. *Oportet suspicionem abesse a Cæsaris domo.* Princes and prelates ought not to have any thing under their roof so nearly relating to them, that can justly be suspected. But this is matter of decency and fittingness, not of indispensable necessity.

§ 5. 6) The innocent person must not directly by any compliance, cohabitation, or indulgence give countenance or encouragement to the impurity or crimes of the offending relative, for nothing can make it tolerable or lawful to promote a sin, or any ways directly to co-operate toward it. This is a *species lenocinii,* a being a bawd to the uncleanness of that person whom with our lives we ought to

[j] [1 Cor. vii. 16.]
[k] Can. 65. [tom. i. col. 257.]
[l] Can. 8. [tom. i. col. 284.]
[m] [1 Tim. iii. 4, 5.]

rescue from that damnation if we could. And therefore if the woman finds her husband grow worse by her toleration and sufferance, she is to go off from it by such degrees as are on this side the extreme remedy, which I reckoned before in the third caution; and if nothing else hinder, it is not only excusable, but hugely charitable, and in a very great degree commendable to be divorced. For she uses her own power, and therefore sins not, and does it when nothing else can prevail, and therefore she is not rash, or light and inquisitive after new relations, and she does it that she may not patronise or increase his sin, and therefore is charitable to his better interest.

§ 16. 7) But if his or her compliance and cohabitation does accidentally make the offending party worse, yet if it be besides the intention, and against the purpose, and contrary to the endeavours of the innocent; he or she in that case is not tied to relinquish their right and their advantages in the present possession or cohabitation. α) Because concerning accidental events, against which we labour, no man is to give account. β) Because of this accidental event, the offending person is the only author, and the innocent is not to suffer for his sin. γ) If the innocent person were tied to depart, then it were at any time in the power of the adulterer or adulteress to be divorced from the innocent, because he growing worse by the other's being good can oblige the other to quit him of the burden which he hates. δ) Because to depart in that case is no remedy. Because he that is vile may grow worse by contrary causes; and as wicked men are made presumptuous by mercies and hardened by judgments, and whether they be punished or not punished, from both they take occasion to persevere, so may an adulterer, or an adulteress, by being sweetly used, or by being harshly. All that can be of duty and necessity in this case, is that the innocent person with all prudent advice and caution do not by any direct act encourage the crime, or connive at it when it can be helped, or commend it when it cannot, or refuse to use any fair or any just instrument of curing the leper; and for the rest, let them pray earnestly, frequently, humbly, and leave the event to God. It is lawful to permit or suffer an evil which I cannot help, and by that permission retain my own rights, or prevent my own wrongs; but it is at no hand lawful for any interest spiritual or temporal to do an evil, or to set it directly forward.

§ 17. Thus some commonwealths permit fornication and public stews, to prevent the horrid consequents of the lusts of their young men, which when they cannot cure, they seek to lessen and divert; and though there be in the whole many evil appendages, and a great fault in government, and many evil and avoidable necessities introduced and supposed; yet so far as this intention is considered, if it were not avoidable or remediable by the severity of laws, and the wisdom of discourses, and the excellencies of religion, it were the only charity that were left, and an after-game of conscience and reli-

gion; sad and fatal to those whose folly infers it, but all that is left that can be done for God and for souls.

But yet this thing in all the circumstances is not to be done at all, because it is a snare to many who have such necessities, who are otherwise curable, who enter into the temptation, because it is made ready to their hand; and it is a high scandal to the laws and to the religion of a country, where such vile nests of impurity are suffered; and the necessity is but phantastic, accidental, and inferred by evil customs, or some secular interest, or weaker regard; for there is no necessity that men must either debauch matrons or be fornicators; let them marry, for that is the remedy which God hath appointed, and He knows best how to satisfy and provide for all the needs of mankind. But it is objected. The laws of Italy forbid the younger brothers of great families to marry. That is it, which I said, men make necessities of their own, and then find ways to satisfy them which therefore cannot be warranted by that necessity, because that necessity is of their own procuring, not from God, nor for Him. For this is the case: an evil is to be cured, and a greater prevented; God hath appointed marriage for a remedy, the civil power forbids it to some persons, who for want of that must fornicate, or do worse. To prevent the worse they provide them of opportunities of doing the less? But what remedy is there for the less? That is not thought of; for marriage is inconvenient to younger families; but it is very convenient for their souls, and they also would be provided for, as being no contemptible interest. Here therefore, if they would alter the necessities which worldly interest introduced, if they would prefer souls before the greatness of families, heaven before a marquisate in Sardinia, and would esteem it more honour to a house to have chastity preserved rather than wealth and an entire inheritance, the weak pretences of excuse for stews would be hissed off from the face of all christian countries; for if fornication be a remedy against unnatural lusts, it is just as being poisoned is an antidote against hanging, but certainly there is a better. Innocence or pardon will prevent it with more advantage, and so will marriage do to the worse evils of lust; unless no health is considerable which is not effected by a witch, and ease is to be despised if it be brought with a blessing. But if any one can pretend that marriage will not secure the Italians or hot Spaniards from attempting intolerable vilenesses (besides that fornication will do less, as having in it no more of natural remedy, and not so much by way of blessing) in this case, the wheel or the galleys, hard labour and the mines, the rods and axes must pare off the luxury.

This therefore is the result, as to this particular instance. In the questions of greater or less uncleannesses, permissions are not to be made by public authority, for the reasons before named: but there may be particular necessities in single instances which will run into present evil, for which no remedy can be provided; and then it is

lawful to divert the malice upon a less matter, when it cannot be taken off entirely: for thus righteous Lot[m] offered his daughters to the impure Sodomites, to redeem the strangers from the violation intended them, and to hinder his citizens from breaking the laws of nature and hospitality, which (if they were not always) yet they were of greater obligation than the restraints of simple fornication. And to this purpose is that of S. Chrysostom[n] who to a man that is accustomed to swear, and cannot avoid it, advises that he should rather swear by his head than by God. I do not, I confess, like the instance, both 1) because it is in some cases worse to swear by a creature than by the Creator; it is an honour done to Him to swear by Him, though to do it triflingly is such an honour done to Him, as superstition is, an honour that angers Him; and 2) also because, he that can pretend his swearing to be unavoidable, does say so, because he does swear when he cannot deliberate; and if he does not consider, he can never make use of his advice to do one rather than another; for no man can choose that cannot consider, but as for the prime intention of the advice, that the least evil is to be chosen, or advised, it is without question safe and prudent.

Of the same purpose are these words of S. Austin[o], *Si decrevisti homicidium aut adulterium facere, adulterium committe non homicidium:* 'if thou wilt murder or commit adultery, do this, not that;' that is, rather this than that. But neither here am I pleased with the instance, because, when any man can lawfully be diverted to a less sin, it must be in the same kind; because the same lust cannot be filled with a differing object; and if the temptation be such that it can be taken off wholly from that scene, and changed to a differing and desperate matter, he can as well be turned to something that is innocent as to some other distinct vice; that is, he may for all his temptation. From unnatural lusts to natural, from the greater kind to the less, from adultery to fornication, from fornication to trifling amours and Platonic fooleries; from murder to a blow, from a blow to an angry word; these are proper diminutions which are in a direct order to the retrenching of the sin: but from murder to adultery a man is not to be diverted, because there is not a direct lessening of the degrees of sin, but a changing it into equal; or if it be not, yet the malice is more extended, if not intended, and the man is directly tempted to be a devil upon a new score, for it must be a new malice that must change him; but still, the advice is in its main design safe and innocent.

But of the same mind is S. Gregory[p], affirming it to be good advice that when of two sins one must be chosen, that the least be it,

[m] S. Ambros. de Patriarch. Abraham, lib. i. cap. 6. [tom. i. col. 300.]

[n] Hom. xxvii. ad pop. Antiochen. [tom. v. fol. 161. k. ed. Lat. fol. Par. 1546.]

[o] De adulterin. conjug., lib. ii. cap. 15. [tom. vi. col. 413 G.]

[p] Lib. xxxii. moral., cap. 18. [al. 20. tom. i. col. 1067.]

but his proof of it is not to be suffered; 'for so,' saith he, 'for the avoiding fornication S. Paul permits marriage;' which saying of his without great violence to the words and charity to the man can never be reconciled with the truth of scriptures, or the honour of marriage, but as to the main advice it is well and agreeable to right reason.

§ 19. But besides the cautions already given, (§ 4.[q]), relating to the material part of sin, the whole affair is to be conducted with these provisions:

§ 20. 1) No man may use this course, by engaging in a present lesser evil, to seek to prevent a greater that is to come: the reason is, because this is a securing of evil, it is an assurance and a certain gain to the interest of sin, and this certainly may outweigh the greater degree of an uncertain evil; and there are many acts of providence which may intervene and prevent the future evil, which therefore is not to be prevented by a present evil though less mischievous, because possibly it may be hindered at a cheaper rate; and no little evil is to be done, but when either itself or a greater is unavoidable, which happens not (for aught we know) in the present case; for before to-morrow the man may die, or his affections to sin may die, or he may be sick, or scared, and to put it off as long as we can, is one kind of diminution and lessening of the sin, which is the thing here consulted of.

§ 21. 2) Care must be taken, that by this means no man's sin be promoted, no man's eternal interest be lessened, no evil be done that we could and ought to forbid and hinder; and that of this we have a moral certainty, or at least no probable cause to doubt. The reason is, because if we put any man's soul to hazard, by procuring a less damnation to an evil person, the evil we do is greater than our good; and we venture one mischief, for the venture or hopes of lessening another. Quintus Milvius being in love with the wife of Muræna, and she with him, Milvius resolves to kill his wife Virginia, and run away with the wife of Muræna, or force her from him; he acquaints his freed man Priscus Calvus with his purpose, but he to divert his purpose of murder and adultery persuades his patron Milvius rather to lie with Muræna's wife now, than to do such things of hazard and evil voice and dishonour: and his advice was charitable and prevailed; for though the adultery was future, yet the intended murder was present, and the evil was lessened as much as it could, and no man prejudiced, but the life of one saved. But if he believes that by this act Virginia will be so exasperated that she will turn adulteress in revenge, or kill her husband; this is not to be advised upon the foregoing reason. If a rich usurer refuses to give an alms to a starved person, he may be advised rather to lend him some money upon interest, than suffer him to die for want of bread: but if I believe, or probably suppose or suspect that another man will be confirmed in the uncharitableness, and think because I advise him to this,

[q] [p. 239 above.]

he does well in it, and will live and die in this opinion, then I may not at the charge of another man's soul, do the other wicked person that small advantage, which is less than can countervail the other evil.

§ 22. 3) He that advises the lesser evil for the avoiding of a greater, must not advise any thing so to serve his own interest or humour, as that he shall in any sense be delighted with the evil, because so he becomes guilty of the other's sin, and then he cannot do a thing lawfully, if it asperses him with guilt; and he may not serve another's need with his own evil joys; and the interest of souls is not set forward when one dies to make another less sick. But besides this, the question here being whether it be lawful to advise a less evil for avoiding of a greater, though it be affirmed to be so, when it is wholly for the avoiding the greater; yet it cannot be lawful to give such advice to serve my own lower ends: nothing but the former can legitimate such an advice, and therefore this latter cannot.

§ 23. 4) No man must make use of this course himself; for though it be lawful to divert a greater evil by advising the less to others, yet I may not myself choose a less, that I may not choose a greater; for if this could be lawful, it would be in the power of any man to sin what sin he pleased, and to threaten his conscience into a leave; for if he should resolve he would either kill the father, or lie with the daughter; be unnatural in his lusts, or loose in his entertainments, he might legitimate every lesser sin for fear of the greater. But therefore it is certain, that when he can choose either, he must choose none, for nothing can make it lawful directly to choose any, even the least evil. But when it so happens that the conscience is doubtful and perplexed, and that in this sad conjunction of evil and weak thoughts, it seems unavoidable but that one must be chosen, we may then incline to that which hath least danger, and least mischief. And this advice was given by the chancellor of Paris: *Si sub electione proponuntur duo mala, cave neutrum eligas: nam in malis quid est eligendum? At vero si culpa nostra ceciderimus ut necesse sit alterum ex peccatis fieri, minus est acceptandum; quia jam in comparatione deterioris, sortitur boni, secundum quid, rationem*[r]. No sin is to be chosen when both can be avoided, but when they cannot, the least is to be suffered. But when this comes to be another man's case that he will not avoid both, though he sins in choosing any, yet he that advises him rather to take the less does not sin. He that chooses the less, sins less, but yet sins, because he should choose none at all; but he that advises him to choose the less, sins not at all, because he hinders all sin as much as he can.

§ 24. 5) He that advises a less sin for the prevention of a greater, must see that it be directly less, and certainly so; it must be in the same matter and kind, and in a less degree, because he can no other ways be certain that he hath done any good at all, and may do a greater evil. For in degrees of sin the case is clear when the

[r] Gerson., tract. viii. in Magnif. num. 88. [tom. iii. col. 859. F.]

matter or instance is the same; but if it be specifically different, or in the whole kind, all question of degrees is infinitely uncertain, and therefore the rule is not without danger practicable in such cases. But of this I have already given some accounts in the fifth number of this rule.

§ 25. But because all this discourse relies upon this main ground, that the lesser evil in respect of the greater hath the nature of good, and therefore is to be preferred; or (which is all one) the avoiding of the greater evil is directly a good, and the suffering the less evil is better than suffering the other, yet because it is but comparatively good, it is positively evil; here it is to be enquired, whether this can be lawful, or is it not a prevaricating of the apostle's rule[s], that "evil is not to be done that good may come of it?" and whether this may be done in any case, and by what cautions it can be permitted or made legitimate? This enquiry hath great uses in the whole life of men, and therefore is not unworthy a stricter search.

§ 26. And first as to the present rule, it is certain, that this permission is not a doing evil that good may come of it: 1) Because no evil is at all permitted when all can be avoided. 2) Because no man is to act this rule in his own person, upon whom he may and ought to have a power of persuasion and effort sufficient to cause himself to decline all evil. 3) It is only permitted to be advised to others by such persons who hate all sin, and have neither pleasure nor interest in any. 4) It is not a giving leave to any sin, but a hindering as much as can be hindered. It is not a doing any thing at all of kindness to any thing but to the man. It is like that permission which the sons of Israel gave to the remnant of the Canaanites, to live in the land because they could not destroy them all. They killed as many as they could, and it was not kindness but necessity that left those few alive. And the thing was not ill expressed by Petrarch[t], *Duobus aut pluribus ex malis minus malum eligendum esse non video, cum minus malum haud dubie malum sit, qualiter mali lectio sit laudanda. Itaque rectius dici reor, majora mala majori studio vitanda, ut si vitari cuncta non possunt, minora facilius tolerentur, non electione, sed patientia, æquanimitate, modestia:* 'of two evils the least is not to be chosen, since that the less evil is without all doubt an evil. Thus therefore I suppose we ought to say; the greater evils are with greater care to be avoided, that if all cannot be declined, the less may be better tolerated, not by choice, but by patience.' Now though it be not lawful to do evil for a good end, yet it is lawful to suffer evil to avoid a greater, and to make the best of it that we can; which was the counsel which Cicero says he received from learned men, *Non solum ex malis eligere minima oportere, sed etiam excerpere ex iis ipsis si quid inesset boni*[u].

§ 27. But to the thing itself there can be no dispute that it is

[s] [Rom. iii. 8.]
[t] Lib. v. epist. rerum senilium. [epist. 6. tom. ii. p. 804.]
[u] Offic., lib. iii. [cap. 1.]

highly unlawful to do evil for a good end. S. Paul's[v] words are decretory and passionate in the thing: he calls it 'slander,' or 'blasphemy' that they reported it of him that he should say, 'It was lawful to do evil that good might come of it;' he also affirms that though the greatness of the sins of the Jews or gentiles did magnify the greatness of the divine mercy, yet they whose sins accidentally thus served the glorification of God, their damnation was just. Though this be clear and certain, yet I doubt not but all the world does evil that good may come of it; and though all men are of S. Paul's opinion, yet all men do not blame themselves when they do against it. I will therefore first represent the matters of fact, and then consider of the allays or excuses to which men pretend in their private accounts or public answers, and so separate the certain from the uncertain, and establish the proper measures of the proposition.

§ 28. For first if we look in scripture, we shall find that divers eminently holy have served God by strange violences of fact, and for His glory have laid hold upon instruments not fit to be handled, but such which would have cut the hands of a Christian if they had been drawn through them. David gave order to Hushai to enrol himself in the rebel party, and to deal falsely with Absalom, that he might do good to David; and indeed so do all spies, which if they were not necessary, would not be used in all armies; and if they be, yet they do that which honest men would scruple at. Elias[x] the prophet that he might bring the people from idolatry, caused a sacrifice to Baal to be made, and the idol to be invocated, which of itself was simply and absolutely evil; and Jehu (though a much worse man) yet proclaimed an assembly for Baal, and both of them did it that they might destroy the priests of Baal, and dishonour the idol, and do honour to God, and both did well: and for aught appears so did the ten men of Shechem who to redeem their lives from the fury of Ishmael discovered the secret treasures of the nation[y]: and amongst the Christians some women, particularly Pelagia and her daughters, have drowned themselves to prevent the worse evil of being defloured. And is it not necessary in all governments that by violence peace should be established, and by great examples of an intolerable justice others should be made afraid. For so do all princes knowingly procure their rights by doing wrong; for in all wars the innocent must suffer that the guilty may be punished: and besides that all great examples have in them something of iniquity; it were not easy to have discipline in private governments, or coercitive power in laws, if in some cases some evil were not to be permitted to be done for the curing some good. For suppose Corippus hath an obstinate servant, so perverse that like the sides of elephants his very soul grows hard by stripes, and that Corippus knows this, yet if he have other servants who will be corrupted by the impunity of this, he may, he must do evil to the obstinate, and ruin his soul for the preserving

[v] [Rom. iii. 8.] [x] [1 Kings xviii. 25.] [y] [Jerem. xli. 8.]

the others. And indeed if we consider how sad, how intolerable an evil it is that a malefactor is snatched from his scene of evil and vile actions, and hurried to hell with his sins about him; and that for the only reason of doing good to others, and preserving the public interest, it will seem necessary that this interest be preserved, and therefore that the other instrument be employed; for it is natural enough that as truth comes from falsehood, so should good from evil; it is not an accidental or contingent product, but sometimes natural and proper; and as God brings good out of evil by His almighty power, so do good men by the nature of the thing; and then the intermedial evil to a wise and religious person is like unhandsome and ill-tasted physic, it is against nature in the taking and in its operating, but for the preservation of nature in the effect and consequent; so are some evils against religion but useful for its advantage. And this very similitude supplies many particulars of the same nature. For thus we make children vain-glorious that they may love noble things; and who can govern prudently and wisely that resolves never to be angry? and to be angry so as to do the work of government, though it be not bigger than the measures of the governor, yet they exceed the measures of the man. Thus for physic it is affirmed to be lawful for a man to be drunk: and Cardinal Tolet[s] allows of voluntary desires of pollution when without it we cannot have our health; and yet to desire such pollution without such a good purpose is certainly criminal, and if for the interest of health evil may be done, much more for religion and effects of holiness. But thus I said, it must happen in public governments: the Christians that dwell in China, Japan, and in the Indies cannot transact their affairs with the heathens without oaths, and therefore they make them swear by their own false gods, by the names of their idols and devils, which only they think binding, and neither could there be any security of faith to princes or to subjects, that is, in the public or private entercourse without it, and yet without question as to swear by devils and false deities is a high crime, so to require or to procure it is a great sin, and yet it is done for necessity. The Romans would not trust the Jews that would swear by the Temple of Jupiter:

> Ecce negas, jurasque mihi per templa Tonantis,
> Non credo, jura verpe per Anchialum [t].

No trust was given unless they swore by the God whom they feared, and so it is in the case of others; and what is necessary, it were very strange if it might not be permitted. And what else can be the meaning of dispensations, but that a thing which is otherwise unlawful is made good by its ministering to a good end; that is, it is lawful to do evil, to break a law, and leave is given to do so, when it is necessary, or when it is charitable. Upon this account it is that prescription does transfer a right, and confirms the putative and pre-

[s] [De instruct. sacerd.,] lib. v. cap. 13. [p. 774. ed. 8vo. Rothom., 1636.]
[t] [Mart. xi. 95.]

sumed, in defiance of the legal and proper; and this is for no other reason but to prevent uncertainties in title, and eternal contentions, which is a certain doing injury to the right owner, that good may be procured, or evil prevented. When a man is in extreme necessity, the distinctions of dominion do cease; and when David and his soldiers were hungry, they eat the shew-bread, which God forbad to all but the priests; and so did the apostles to satisfy their hunger break the sabbath by pulling and rubbing the ears of corn; and in the defence of a man's own life it is lawful to kill another: which is certainly a doing evil for a good end: and if it be said that this is not a doing evil, because the end makes it not to be evil, this is a plain confessing the question against the words of S. Paul; for if the good end makes that to be lawful which of itself without that end is unlawful, then we may conclude against S. Paul, that it is good to do evil that good may come; that is, it is changed by the end and by the design. And upon an equal stock of necessity it is, that all princes think themselves excused, if by inferring a war they go to lessen their growing neighbours; but this is a doing wrong to prevent a mischief, as the birds in Plutarch[b], that beat the cuckoo for fear that in time she should become a hawk. And this is certain in the matters of omission, though to omit a duty be simply evil, yet when it is necessary it is also lawful, and when it is charitable it is lawful: thus religion yields to charity, and charity to justice, and justice itself to necessity, and a man is not bound to pay his debts when to do so will take from him his natural support. And it is thus also in commissions; who will not tell a harmless lie to save the life of his friend, of his child, of himself, of a good and a brave man? and to govern children and fools by saying false things, no man makes a scruple: and physicians are commended if with a witty lie they can cozen melancholic and hypochondriacal men into a cure. Thus the man of Athens[c], who fancied[d] if he should make water he should drown the city, was cured by his physician's ingenious fiction that the city was on fire, and desiring him to quench it with his urine, lest water should be wanting in that great necessity, struck his fancy luckily, and prevailed upon him to do that which no direct persuasion could effect. Thus Hercules de Saxonia[e] having committed to his charge a melancholic man, who supposing himself to be the prophet Elias would needs fast forty days, dressed a fellow like an angel, who pretending that he brought him meat from heaven, prevailed upon him to receive both food and physic. This lie was charitable, and if it was

[b] Lib. vi. apophth. [? vit. Arat., tom. v. p. 558.]

[c] ['Un gentilhomme Sienois' is the original of M. André du Laurens, (des maladies melancholiques, cap. vii. p. 140, ed. 12mo. Par. 1597,) quoted by Burton, (Anatomy of melancholy, p. 298. ed. fol. Lond. 1660,) from whom Taylor probably derived the story.]

[d] ['phansied,' edd.]

[e] [Quoted by Burton, p. 682, possibly from recollection of an anecdote somewhat similar in his Pantheum medicinæ selectum, lib. i. cap. 16. p. 97, ed. fol. Franc. 1603.]

not therefore innocent, then some charity can be criminal; but if it was innocent, it was made so wholly by the good end, which sanctified the evil instrument. Thus also judges exact oaths from contradicting parts, though they know that one is perjured, but yet he proceeds by such means to guess at truth, and satisfy the solemnities of law. And when the judges themselves are corrupt, we think it fit to give them bribes to make them do justice, who otherwise would for bribes do injustice; and yet we suppose we are no more to be reproved than they are who pay interest money to the usurers and bankers whom yet themselves believe to sin. But bribery is a sin, and bribery in a wrong cause is two or three; and therefore let the cause be what it will, it is no way tolerable but that it is for a good end. Thus we venture into danger to serve worthy designs; some read heretical books to be able to confute them; and some venture into persecutions which they could avoid, because they would not weaken the hands of such who cannot avoid it; and yet to go to danger is not safe, and therefore against charity, and therefore a sin, and yet it is for charity and faith even when it is against one of them. And last of all, all men do, and they believe they may make addresses to a tyrant for justice, and though he sits on the bench by wrong, yet we stoop to his purple, and kiss his rods and axes when we desire to be defended from the oppression of a lesser tyrant; and if this be not a doing evil that good may come of it, then it is no evil to make another do an act of usurped power, or to bend to a power which destroys that to which we are bound by the oath of God.

§ 29. These instances I have not brought in opposition of the apostle's rule, or that I think any man else pretends any of these in defiance of it, but to represent that either a great part of mankind does it when they least think of it, or that some things which seem evil are not so; and that I may describe the measures of these things, and establish the case of conscience upon its just limits and rule.

§ 30. 1) Therefore it is to be observed, that the facts of men living under a law, are not to be measured by laws of a differing government, and therefore if the facts of worthy men were exemplary (of which in its proper place I am to give accounts) yet the facts of saints in the Old testament would not be safe examples to us in the New; and therefore we may not do that which Hushai[r] did, for he did well, that is against nothing of the law under which he stood; but if the simplicity and ingenuity of our law gives us other measures, the effect will be, that Hushai did not do evil for a good end, but did well to a good purpose. And as to the thing itself, it is very likely that it is lawful to abuse his credulity whose life I may lawfully take; the cautions and limits of which permission belong not to this present enquiry.

§ 31. 2) The rules of war and the measures of public interest are not to be estimated by private measures, and therefore because this is unlawful in private entercourses, it must not be concluded to be

[r] [2 Sam. xvii.]

evil in the public. For human affairs are so intricate and entangled, our rules so imperfect, so many necessities supervene, and our power is so limited, and our knowledge so little, and our provisions so short-sighted, that those things which are in private evils may be public goods: and therefore in this question, the evil and the good are to be in the same kind; a private evil is not to be done for the procuring of a private good, but for a public it may: not that evil may be done for any thing; but that here it is not evil, when it is measured by the public standard. For since God is the fountain of government, He also gives authority to all such propositions which are necessary means of its support, not to all which pretend to it, or which are inferred by folly or ambition, but which are really such. War cannot be made as a man corrects his child, with even degrees of anger, and a just number of stripes, and equalities of punishment both to the person and to the offence; and kings are in the place of God who strikes whole nations and towns and villages; and war is the rod of God in the hands of princes, but the evils which are intermedial to the greater purposes of a just war are such which are unavoidable in themselves, and besides the intentions of good kings; and therefore in such cases, though much evil is suffered because it is unavoidable, yet none is done of choice, and that makes not against the rule. For,

§ 32. 3) In many of the instances objected, the evils which are the ways of procuring good, are not evils in morality, but in nature; and then it is lawful, when there is no malice in the design, to prevent the sin, or to do a good office by a shrewd turn. Thus I may pull my friend out of a pool by a strained arm, and save his life by putting his arm out of joint; and this is a doing evil materially, with a pious purpose, that is without malice, and for a good end, and that is innocent and charitable when it is unavoidable, but it is not to be chosen, and done with delight, or evil intent, or perfect election: to do evil to a man in this case is besides the man's intention, it is accidental also to the whole event, it is not so much as giving unpleasing physic, not so much as imposing cupping glasses and using scarifications; for this is voluntary and chosen for a good end, because the good cannot else well be procured, and yet it is chosen upon those terms by the patient. Upon this account a man may give his life for his friend, or wish himself dead; and S. Paul wished himself accursed for his brethren, and Moses desired to be blotted out of the book of life in zeal for the people of God; and yet all this is a very great charity, because though a man may not do evil, yet he may suffer evil for a good end; he may not procure it, but he may undergo it: and after all, the doing of a natural or physical evil may be permitted when there is no motive but charity, for then it is in no sense forbidden; sometimes necessary and unavoidable, but no ways evil or criminal; and if it be, it becomes so by accident, or by the intertexture of some other ingredient.

§ 33. 4) When the evils are subordinate or relative, the less may be done to prevent the greater, though they be not in the same matter; as a child may be beaten to prevent a sin, an offender smitten to make him diligent: for these actions, though they are in the accounts of evil things, yet have no intrinsical irregularity, but wholly depend upon the end; but because commonly evil things are done to evil purposes, and with irregular measures, they have an ill name, but they can be changed when the end is made straight, and the measures temperate. Every thing that is not intrinsically evil, if it be directed to a good end, is good, unless it be spoiled by some intervening accident.

§ 34. 5) Some things are evils properly and naturally, some by accident, some by our own faults, some by the faults of others. An action may be innocent as from me, and yet a very great evil by the fault of others. A malefactor put to death, it may be perishes eternally; if he does, it is his own fault, the laws are innocent when they smite him for the good of others; and this is not a doing evil that good may come of it; for in things not essentially and unalterably evil, good and evil are in relations, and though the smiting some sinners produce a very evil effect, yet it is only to be imputed to its own cause. There is a good and an evil in many things, and God and the devil have their share of the thing, and so have several persons, according as they intend, and as they operate: and in this case, the laws intend good, and do that which is good, that is, they punish a malefactor, but of the accidental damnation, the sinner that suffers only is the only cause; and therefore in this, and many like cases of public transaction there is no evil done for a good end. Thus if any man who is to take an oath be wicked and false, the law may exact the oath because that is good, but the law itself may use a false oath if the man will swear it, but then the falseness is the man's that swears, not the law's that exacts it. For to many products there are many concurrent causes, which are not integral, but have each their share; and when causes are not integral, the portion of effect is to be applied only by the intention of the agent, and the proportion and order to the end. Indeed if the whole effect were to be imputed entirely to every concurring agent, (as in murder every man is principal and integral,) then in many of the fore-alleged cases, evil were done for a good end, but then it could not be lawful so to do, but the actions are therefore innocent to some agents, because they do nothing of it but the good share, that which they ought to do; and that which spoils it comes in at another door.

§ 35. 6) Some laws of God are such that their rectitude is so perfect, the holiness so entire, the usefulness so universal, the instance so fitted for all cases, and the economy of it so handsome and wise, that it never interferes with any other duty, is never complicated with contradicting matter, or cross interests; now these are such which no case can alter, which no man may prevaricate, or if

they do they are such which no measure can extenuate, which no end can sanctify: and these are either laws of general reason and common sanction, or spiritual instances and abstracted from matter. Thus no man may blaspheme God at any time or for any end, or in any degree; and in these cases it was rightly said in the objections, that if the end can change the instrument, then it is not evil to do any thing for a good end, because the end makes the evil to be good. But then in other cases, where the instances are material, tied up with the accidents of chance, made changeable by relations, tied in several parts by several duties, filled with various capacities, there the good and the evil are like colours of a dove's neck, differing by several aspects and postures; there abstractions are to be made, and separations of part from part, of capacity from capacity; and when every man provides concerning his share of influence into the effect all is well, and if one fails, it may be evil is done to the whole production, but it is not imputed to them who took care of their own proportions. But in such kinds of actions, the limits and measures are extrinsical and accidental, and the goodness is not essential, natural, and original; and therefore the whole receives variety by necessities, and by charity. For whatsoever can be necessary by a necessity of God's making, that is lawful: and I may serve any greater necessity by any thing that is less necessary, when both necessities cannot be served. Thus David's eating the shew-bread, and the apostles' eating corn on the sabbath, served a greater need than could have been secured by superstitious or importune abstinence. In positive and temporary commands there is no obligation but when they consist with higher duties; *Actus imperati unius virtutis non debent præjudicare actibus elicitis alterius.* The proper and natural actions of one virtue are ever to be preferred before the instrumental acts of another; as an act of temperance must be preferred before a posture in worshipping; charity before fasting, or before ceremonies: that is, the more necessary before the less. It is more necessary to save the life of a man than to say my prayers at any one time, and therefore I may leave my prayers in the midst, and run to save a man from drowning. This is a thing which cannot stay, the other can. For in all such precepts of affirmative duty, there is a secret condition annexed, and they oblige not when they cross a negative. And it is certain there could be no usefulness of knowing the degrees of good or evil, if it were not for prelation and election of one before another: to what purpose were it that we are told, "obedience is better than sacrifice[f]," but that we should neglect one and do the other when both cannot stand together? and this order of degrees is the full ground of dispensations when they can be allowed in divine commandments: but in human dispensations there is another, even the want of foresight, the imperfection of the laws themselves which cannot provide for all cases before-hand, as

[f] [1 Sam. xv. 22.]

God's laws can; and therefore to dispense with a subject in a human law is not a doing evil for a good end; for to break a human law is not intrinsically an evil though no express leave be given, as the case may happen: but when leave is given, as it is in dispensations, then there is no evil at all. And something like this is that other case of prescriptions, which does indeed transfer a right from a right owner, as it may happen, but this is a doing good and not evil, for it is a preferring a certain possession before an uncertain right; or it is a doing a greater good, that is a prelation of a title which hath more evidence and public advantage than the other. Besides, it is done by public consent, in which, because every particular is included, there is no evil done, but much is prevented.

§ 36. 7) In actions the material part is to be distinguished from the formality, the work from the affection. That may be wholly indifferent, when this may be wholly criminal. He that drinks till he vomits, by the physician's advice, gives none of his affection to the pleasure of any thing forbidden, he takes it as he takes a potion or pills, which may have the same effect with drink. But when the material part cannot be done without the sense of pleasure which is forbidden, then the end cannot sanctify it: and therefore although to drink much for physic may be lawful, yet pollution may not be desired for health, because that cannot be done or suffered without an unlawful pleasure; and so also will drinking for health become vicious, if in the acting of the material part any part of our affections be stolen away, and the pleasure of the excess be delighted in.

§ 37. 8) He that makes use of the matter of a sin already prepared to which he gives no consent, and which he cannot help, does not do evil for a good end. Thus the prophet called on the priests of Baal to do what they used to do, that they might never do so again. He was no way the cause of a sin, but of its circumstances and adjuncts, that it be done here and now, and this is not against the apostle's rule; time and place are no sins, and make none unless frequency be added to the time, and holiness to a place, and then they may add degrees or new instances to the sin; but when neither of these is procured or injured respectively, it is lawful to glorify God by using the prepared sin to good purposes. When a judge is ready to receive money upon any terms, out of this evil we may bring good, and cause him to do a good thing rather than a bad; he does neither well, but that is his own fault; but to give money is a thing indifferent, and to give it for that end which is good, makes it better: and bribery is a word of an ill sound when it means an evil thing, but when it means well we may find a better word for it, or mean well by this: though concerning the particular it is not amongst men esteemed certain that it is lawful to give money to a judge: *Sed si dedi*, says Ulpian, *ut secundum me in bona causa judex pronunciaret, est quidem relatum condictioni locum esse: sed hic quoque crimen contrahit. Judicem enim corrumpere videtur: et non ita pri-*

dem imperator noster constituit litem eum perdere. Whether it be lawful or no is to be enquired in another place; but as to the present enquiry, if it be lawful, I have accounted for it already; if it be not, it is not to be done, no not for justice sake. For in this case we no way consent to the evil, but endeavour to bring good out of that evil which is already in being. Thus we run to a tyrant power for justice, he will govern whether we will or no, the sin will be acted and continued upon his own account; but when the evil matter is thus made ready, we may reap as much good by it as we can bring out of it: and in this sense is that true and applicable to the present which is urged in the objection, that as truth may come from falsehood, so may evil from good; when an ill-gotten power is apt either to justice or injustice, we may draw justice from it, and then we do good without co-operating to the evil: that is, we only do determine an indifferent agent to the better part. The manner of getting the power is wholly extrinsical to the ministration of it: that is wholly the fault of the usurper, but this which is our own act is wholly innocent. If Nero sets Rome on fire, I do no hurt if I warm by the heat, and walk by the light of it; but if I laugh at the flames, or give a fagot to it, I am guilty. And thus the Christians use the heathens' oaths for their own security; the oath is good, and so far it is desired; that the oath is by a false god is the heathens' fault; this is effected by these, but the other is only desired by them. This therefore is not a doing evil for a good end; it is a desiring of good, and a using the evil matter which is of another's procuring.

§ 38. 9) There are some actions criminal and forbidden in certain states only, as to kill a man is a sin, a private man may not do it; but the same man when he comes to be a public magistrate may do it. A private man also may not do it when he is in the relation and protection of civil society, because in that, the laws are his guards, and the public judges are his defensatives; but if a man sets on me by violence, and so puts himself into a state of war, he, by going from the limits of civil society, takes off the restraint which that society put upon me, and I am returned to the liberties of nature; and there is by all laws a power given a man to defend himself, by laws, if he can, and if he cannot, then by himself and the means of nature; and therefore to kill him that would kill me, is not to do evil for a good end, for the thing is permitted, and therefore not intrinsically evil, and whatsoever is not so may be accidentally good.

§ 39. 10) Some of the instances are such which are disallowed by most men; so to tell a lie for a good end is unlawful, upon supposition that a lie is intrinsically evil; concerning which the account must be reserved for its own place: for the present, it is certainly unlawful to lie for any end, if that supposition be true; but if lying be only forbidden for its uncharitableness or injustice, that is, for its effects, then when the end is good the instrument is tolerable. By these measures all the instances objected can be measured and secured,

and by these the rule itself must be conducted. What cannot be excused upon one of these, is wholly to be reproved as being a direct prevaricating the apostle's rule.

§ 40. The sum is this: whatsoever is forbidden by the law under which we stand, and being weighed by its own measures is found evil; that is, in a matter certainly forbidden, not for any outward and accidental reason, but for its natural or essential contrariety to reason and the law of God, that may not be done or procured for any end whatsoever. For every such thing is intrinsically and essentially evil, it is evil without change or variety, without condition or circumstance, and therefore cannot be made good by any such thing. What is evil in some circumstances may be good in others, and what is condemned for a bad effect, by a good one may be hallowed, but if it be bad of itself, it can never be good, till there come a cause as great to change its nature as to make it: the cruelty of a man's habit or his choice can be turned, but a viper will for ever have a venom in his tooth.

§ 41. But this rule is also to be extended to cases that are duplicate, and relate to two persons. As if two persons affirm or promise contraries; the first upon a presumptive power and authority over the other, and this other upon firm resolution, and by an entire power over him or herself; though I am bound to hinder his promise from passing into fallacy and deception as much as I can, yet I must rather secure my own. The reason is, because he who had no power over me, could not promise but with a tacit condition; and though he were guilty of temerity and an interpretative breach of promise, yet if the other fails, he is directly and properly guilty. This is still more evident if a father promises his daughter to Titius before witnesses, presuming that his daughter who is a widow will yet be ruled by him, though she be at her own dispose; but his daughter hath solemnly sworn and contracted herself to Sempronius. The daughter must be more careful not to break her oath and contract than by verifying her father's promise keep him from a lie; and this was the case of Acontius and Cydippe in Ovid[s],

> Promisit pater hanc, hæc adjuravit amanti:
> Ille homines hæc est testificata deam.
> Hic metuit mendax, timet hæc perjura vocari,
> Num dubites hic sit major an ille metus.

This case may be varied by accidents intervening, as if the daughter be under her father's power, she hath none of her own to contract or swear; but in an equal power and circumstances, the greater care must be to avoid the greater crime.

§ 42. These cautions are all which I think necessary for the conducting of a doubting conscience (that is, a conscience undetermined) in its danger and infirmity: but concerning the matter of

[s] [Heroid., xx. 159.]

doubts, that is indeed; all cases of conscience, they are to be handled under their proper matter. Concerning interpretation of doubts to the better part, obedience to superiors in a doubtful matter, favourable and easy interpretation of laws for the deposition of a doubt, though I was tempted to have given accounts in this place, yet I have chosen to refer them to their own places, where by the method and rules of art they ought to stand, and where the reader will expect them. But concerning the cure of a doubting conscience, this is all that I am to add to the foregoing rules:

§ 43. A doubtful conscience is no guide of human actions, but a disease, and is to be cured by prayer and prudent advices, and the proper instruments of resolution and reasonable determinations; but for those things which are called doubts, and the resolution of which is the best way to cure the infirmity of conscience, they must be derived from their several heads and categories. For these discourses or advices of conscience in general, are intended but as directions how to take our physic, and what order to observe *in diebus custodiæ;* but the determining of the several doubts is like preparing and administering the medicines which consist of very many ingredients.

CHAP. VI.

OF THE SCRUPULOUS CONSCIENCE.

RULE I.

A SCRUPLE IS A GREAT TROUBLE OF MIND PROCEEDING FROM A LITTLE MOTIVE, AND A GREAT INDISPOSITION, BY WHICH THE CONSCIENCE THOUGH SUFFICIENTLY DETERMINED BY PROPER ARGUMENTS DARES NOT PROCEED TO ACTION, OR IF IT DO, IT CANNOT REST.

§ 1. *Qui nimis emungit elicit sanguinem,* said Solomon[h]; 'too violent blowing draws blood from the nose;' that is, an enquiry after determination, and searching into little corners, and measuring actions by atoms, and unnatural measures, and being over righteous, is the way not to govern, but to disorder our conscience.

§ 2. That it is a great trouble, is a daily experiment and a sad sight: some persons dare not eat for fear of gluttony, they fear that they shall sleep too much, and that keeps them waking, and troubles their heads more, and then their scruples increase. If they be single persons, they fear that every temptation is a πύρωσις, that 'burning' which the apostle so carefully would have us to avoid, and then that it is better to marry than to suffer it; and if they think to marry, they dare not for fear they be accounted neglecters of the glory of

[h] [Prov. xxx. 33.]

God which they think is better promoted by not 'touching a woman.' When they are married they are afraid to do their duty, for fear it be secretly an indulgence to the flesh, and be to be suspected of carnality, and yet they dare not omit it, for fear they should be unjust, and yet they fear that the very fearing it to be unclean should be a sin, and suspect that if they do not fear so, it is too great a sign they adhere to nature more than to the spirit. They repent when they have not sinned, and accuse themselves without form or matter; their virtues make them tremble, and in their innocence they are afraid; they at no hand would sin, and know not on which hand to avoid it: and if they venture in, as the flying Persians over the river Strymon[i], the ice will not bear them, or they cannot stand for slipping, and think every step a danger, and every progression a crime, and believe themselves drowned when they are yet ashore.

§ 3. Scruple sometimes signifies all manner of vexation of the mind; so Cicero *pro Sexto Roscio*[j] uses it, *Hunc mihi scrupulum ex animo evelle, qui me dies noctesque stimulat ac pungit,* 'take this scruple out of my mind which pricks and goads me night and day.' So also in S. Hierome's bible, 1 *Regum* xxv., *Non erit tibi in singultum et scrupulum cordis quod effuderis sanguinem innoxium,* 'it shall not be to thee a cause of grief and scruple of heart that thou hast shed innocent blood.' But in the present discourse it hath a more limited signification, and according to the use of divines and canonists, means an unquietness and restlessness of mind in things done or to be done, after the doubts of conscience are determined and ended. *Intolerabilem perturbationem* Seneca[k] calls it, a fear of doing every thing that is innocent, and an aptness to do every thing that can be suggested:

> ——nuda ac tremebunda cruentis
> Erepet genibus, si candida jusserit Io[l].

Scruple is a little stone in the foot, if you set it upon the ground it hurts you, if you hold it up you cannot go forward; it is a trouble where the trouble is over, a doubt when doubts are resolved; it is a little party behind a hedge when the main army is broken and the field cleared, and when the conscience is instructed in its way, and girt for action, a light trifling reason, or an absurd fear hinders it from beginning the journey, or proceeding in the way, or resting at the journey's end.

§ 4. Very often it hath no reason at all for its inducement, but proceeds from indisposition of body, pusillanimity, melancholy, a troubled head, sleepless nights, the society of the timorous; from solitariness, ignorance, or unseasoned imprudent notices of things, indigested learning, strong fancy and weak judgment; from any thing that may abuse the reason into irresolution and restlessness. It is

[i] [Æsch. Pers. 507.]
[j] [vid. cap. ii.]
[k] [De benef., lib. vii. cap. 2. tom. i. p. 833.]
[l] [Juv. vi. 525.]

indeed a direct walking in the dark, where we see nothing to affright us, but we fancy many things, and the phantasms produced in the lower regions of fancy, and nursed by folly, and borne upon the arms of fear do trouble us.

§ 5. But if reason be its parent, then it is born in the twilight, and the mother is so little that the daughter is a fly with a short head and a long sting, enough to trouble a wise man, but not enough to satisfy the appetite of a little bird. The reason of a scruple is ever as obscure as the light of a glow-worm, not fit to govern any action, and yet is suffered to stand in the midst of all its enemies, and like the flies of Egypt vex and trouble the whole army.

§ 6. This disease is most frequent in women, and monastic persons, in the sickly and timorous, and is often procured by excess in religious exercises, in austerities and disciplines, indiscreet fastings and pernoctations in prayer, multitude of human laws, variety of opinions, the impertinent talk and writings of men that are busily idle: the enemy of mankind by the weaknesses of the body and understanding enervating the strengths of the spirit, and making religion strike itself upon the face by the palsies and weak tremblings of its own fingers.

§ 7. William of Oseney was a devout man, and read two or three books of religion and devotion very often, and being pleased with the entertainment of his time, resolved to spend so many hours every day in reading them, as he had read over those books several times; that is, three hours every day. In a short time he had read over the books three times more, and began to think that his resolution might be expounded to signify in a current sense, and that it was to be extended to the future times of his reading, and that now he was to spend six hours every day in reading those books, because he had now read them over six times. He presently considered that in half so long time more by the proportion of this scruple he must be tied to twelve hours every day, and therefore that this scruple was unreasonable; that he intended no such thing when he made his resolution, and therefore that he could not be tied: he knew that a resolution does not bind a man's self in things whose reason does vary, and where our liberty is entire, and where no interest of a third person is concerned. He was sure that this scruple would make that sense of the resolution be impossible at last, and all the way vexatious and intolerable; he had no leisure to actuate this sense of the words, and by higher obligations he was faster tied to other duties: he remembered also that now the profit of those good books was received already and grew less, and now became changed into a trouble and an inconvenience, and he was sure he could employ his time better; and yet after all this heap of prudent and religious considerations, his thoughts revolved in a restless circle, and made him fear he knew not what. He was sure he was not obliged, and yet durst not trust it; he knew his rule, and had light enough to walk by it, but was as fearful to

walk in the day as children are in the night. Well, being weary of his trouble, he tells his story, receives advice to proceed according to the sense of his reason, not to the murmurs of his scruple; he applies himself accordingly. But then he enters into new fears; for he rests in this, that he is not obliged to multiply his readings, but begins to think that he must do some equal good thing in commutation of the duty, for though that particular instance become intolerable and impossible, yet he tied himself to perform that which he believed to be a good thing, and though he was deceived in the particular, yet he was right in the general, and therefore that for the particular he must make an exchange. He does so; but as he is doing it, he starts, and begins to think that every commutation being intended for ease, is in some sense or other a lessening of his duty, a diminution of his spiritual interest, and a note of infirmity; and then also fears, that in judging concerning the matter of his commutation he shall be remiss and partial. Now he considers that he ought to consult with his superiors; and as he is going to do so, he begins to think that his superior did once chide him for his scruple, and that now much more he will do it, and therefore will rather seek to abolish the opinion of obligation than change it into another burden; and since he knows this before-hand, he fears lest it shall be expounded to be in him an artifice to get himself eased or chidden out of his duty, and cozened from his obligation. What shall the man do? He dares not trust himself; and if he goes to another, he thinks that this will the more condemn him; he suspects himself, but this other renders him justly to be suspected by himself and others too. Well, he goes to God and prays Him to direct him; but then he considers that God's graces are given to us working together with God's spirit, and he fears the work will not be done for him because he fails in his own part of cooperating; and concerning this he thinks he hath no scruple, but certain causes of fear. After a great tumbling of thoughts and sorrows he begins to believe that this scrupulousness of conscience is a temptation, and a punishment of his sins, and then he heaps up all that ever he did, and all that he did not, and all that he might have done, and seeking for remedy grows infinitely worse, till God at last pitying the innocence and trouble of the man made the evil to sink down with its own weight, and like a sorrow that breaks the sleep, at last growing big, loads the spirits, and bringing back the sleep that it had driven away, cures itself by the greatness of its own affliction. In this case, the religion is not so great as the affliction.

§ 8. But because a scruple is a fear, or a light reason against a stronger and a sufficiently determined understanding, it can bring no other work to the conscience, but that it get itself eased of the trouble, which is to be done by the following rules.

RULE II.

A CONSCIENCE SUFFICIENTLY INSTRUCTED BY ITS PROPER ARGUMENTS OF PERSUASION, MAY WITHOUT SIN PROCEED TO ACTION AGAINST THE SCRUPLE AND ITS WEAKER ARGUINGS OR STRONGER TREMBLINGS.

§ 1. THIS is the best remedy that is in nature and reason. S. Bernard preached rarely well, and was applauded, but the devil offering to him the temptation of vain-glory, he in his resisting it, began to think that he had better leave off to preach than begin to be proud; but instantly the holy Spirit of God discovered to him the deception and the devil's artifice, who would at any rate have him leave off to preach; and he answered, I neither began for thee, nor for thee will I leave off. This is a right course in the matter of scruple: proceed to action; and as the reason or the fear in the scruple was not inducement enough to begin, so neither to leave off.

§ 2. Against a doubting conscience a man may not work, but against a scrupulous he may. For a scrupulous conscience does not take away the proper determination of the understanding; but it is like a woman handling of a frog or a chicken, which all their friends tell them can do them no hurt, and they are convinced in reason that they cannot, they believe it and know it, and yet when they take the little creature into their hands they shriek, and sometimes hold fast and find their fears confuted, and sometimes they let go, and find their reason useless.

§ 3. Valerius of Hippo being used always to fast till high noon of festivals, falls into an illness of stomach, and is advised to eat something in the morning[k]; all the reason of the world that is considerable and pressing, tells him he may do it lawfully, but because he hath not been used to it, and good people in health do not do it, he is fearful to do that which others do not, that need it not; this is a slight ground, and with it perfectly may stand his practical determination of conscience that it is lawful for him; which final determination, because it is the next and immediate rule of actions, cannot be impeded by that which suffers this persuasion still to remain, because the doing only against such a persuasion can only be a sin, for that only is the transgression of the immediate law; to do conformably to such determination is to do it with faith; and if the scruple can lessen it, yet it only makes the man the weaker, but cannot destroy the assent.

§ 4. Add to this, that since scruples do sometimes make men mad, do detriment to our health, make religion a burden, introduce a weariness of spirit and tediousness, it cannot be a sin to stop all this evil, and directly to throw away the scruple and proceed to contrary actions.

[k] [Vid. Bardum, discept. vii. cap. 4. § 5. p. 894.]

§ 5. But this is to be understood only when the scruple is such that it leaves the conscience practically determined. For if the scruple prevails upon his weakness so far as to rifle the better reasons, the conscience loses its rule and its security, and the scruple passes into a doubt, and the law into a consultation, and the judgment into opinion, and the conscience into an undiscerning, undetermined faculty.

§ 6. Hither is to be reduced the case of a perplexed conscience; that is, when men think that which part soever of the contradiction they choose, they sin; for though that be impossible to wise men, yet all men are not wise; and if it were impossible in the thing, yet it is certainly possible upon the distempers of some men: and because a man hath contrary reasonings and divided principles within, as our blessed Lord had a natural desire not to die, and yet a reasonable and a holy spiritual desire to submit to His Father's will, and if He please, to die; so hath every man desires to please an appetite, or secure an interest of secular designs, and a reason to serve the interest of his spirit in spiritual designs. But although in our blessed Lord the appetites of nature were innocent and obedient and the spirit always got a clear victory, and the flesh resisted not, yet in us it is not so; and sometimes spiritual complications do disturb the question, and make the temporal end seem religious or pious; and the contrary pretence is pious too, and yet a duty will be omitted which way soever be chosen, or a sin committed as is supposed; here the case seems hard. It is certain that there is no such case in the world, that it is necessary for a man to sin which part soever he takes, and unless it be his own fault he cannot think so; but some men are wild in their reasonings, and err in circles, and cannot untie the knots themselves have knit. Some are weary, and many are involved, and more are foolish; and it is as possible for a man to be a fool in one proposition as in another, and therefore his error may be this, that which part soever he chooses he shall sin; what is to be done here is the question?

§ 7. The case is this: Pratinus a Roman soldier turns Christian, and having taken his military sacrament before, and still continuing the employment, he is commanded to put to death certain criminals, which he undertakes, because he is bound to it by his oath. Going to the execution he finds they were condemned for being Christians; then he starts, remembering his sacrament or oath on one side, and his faith on the other; that is, his religion on both; by which he is bound neither to be perjured, nor to kill his brethren: the question is not how he might expedite his doubt, and secure his conscience by choosing the surer part, but what he is to do, this perplexity remaining, that is, he not being able to lay aside either part of the doubt; for his question is not whether of the two he shall do, but is persuaded that to do either is a high crime.

§ 8. 1) Concerning this, it is evident, that if the cases be equal,

and the event not to be distinguished by him in the greatness of its consequent or malice of it, it is indifferent to him which he chooses; and therefore there can be no rule given which he must take, unless he could be convinced of one that it is lawful, and the other unlawful; but in his case that not being to be done, he ought to know that in this case he sins not if he takes either, because all sin is with liberty and choice, at least with complacency; but his error is an infelicity and no sin, if he neither chooses it nor delights in it, which in the present case he is supposed not to do.

§ 9. 2) But if in the event of the actions and parts of choice there be a real or apprehended difference, he is bound to choose that part which he believes to be the less sin; this being a justification of his will, the best that can be in the present case; but if he chooses that which is of worse event, he hath nothing to excuse it.

RULE III.

HE THAT IS TROUBLED WITH SCRUPLES, OUGHT TO RELY UPON THE JUDGMENT OF A PRUDENT GUIDE.

§ 1. THE reason is, because his own understanding is troubled and restless, and yet his reason determined; and therefore he can but use the best way of cure, which in his particular is to follow an understanding that is equally determined as is his own, and yet not so diseased.

§ 2. Add to this, that God hath appointed spiritual persons, guides of souls, whose office is to direct and comfort, to give peace and conduct, to refresh the weary and to strengthen the weak, to confirm the strong and instruct the doubtful; and therefore to use their advice is that proper remedy which God hath appointed. And it hath also in it this advantage, that there is in it humility of understanding, a not relying on our own wisdom, which by way of blessing and disposition will obtain of God that we be directed. *Consule bonos prudentesque viros, et acquiesce eis*[l], was an old advice, and derived from Solomon[m] and Tobit[n]; 'Lean not on thy own understanding, but ask counsel of all that are wise, and despise not any counsel that is profitable.'

[l] Antonin. in summa, part 1. tit. iii. cap. 10. [§ 10. s. p. ed. fol. Argent. 1496.]
[m] [Prov. iii. 5.] [n] [iv. 18.]

RULE IV.

WHEN A DOUBT IS RESOLVED IN THE ENTRANCE OF AN ACTION, WE MUST JUDGE OF OUR ACTION AFTERWARDS BY THE SAME MEASURES AS BEFORE; FOR HE THAT CHANGES HIS MEASURES, TURNS HIS DOUBT INTO A SCRUPLE.

§ 1. THE reason of the rule is this, that which is sufficient for satisfaction before is sufficient for peace afterwards. A Christian in the diocese of Salamis being faint in his stomach before the reception of the holy sacrament, disputes whether he may take a cordial or a glass of wine. Upon enquiry he is told that to receive the holy sacrament *virgine saliva*[o], fasting, is a custom of the church later than the times of the apostles, as appears by the Corinthian usages mentioned by S. Paul; that it having no authority but custom, no sanction but a pious fancy, and a little proportion and analogy of reverence, it ought to yield to the elicit acts of charity. Upon this account he being satisfied, drinks a little, is well, and communicates with health, and joy, and holiness. But afterwards reflecting upon what he had done, he begins to fear he had not done well; that he had done against the customs of the church, that it was at least infirmity in him, and upon what account with God that should be, which in his own most gentle sentence was at least infirmity, he knew not; and twenty other little things he thought of, which signified nothing, but did something, they meant no good, but did great evil: and finding himself got into a net, he calls for help, but is told that he must get out of it by the same way that he came in, and that which was the sufficient cause of his doing the action, was sufficient also for the justification of it, and let him confront the reasons which introduced the action against these flies and little pretensions which disturb his mind, and he shall find that he hath reason to be ashamed of debauching and prostituting his understanding to such trifles and images of argument: for let a man look to his grounds when he begins to act, and when he hath acted, let him remember that he did his duty, and give God thanks. For if any just cause appear for which he ought to reprove his former determination; that just cause can have no influence upon what is past, if the first proceeding was probable, and reasonable, and disinterest. He knows something which he did not know before; and for the time to come is to walk by this newly kindled taper, but if he in the first instance walked by all the light he had, he is not tied to walk it over again: for as God will not of a child exact the prudence and cautions of a man, but in every age expects a duty answerable to the abilities of it; so it is in all the stages of our reason, and growing understanding. According to what we have, and not according to what we have not, we shall give accounts. This is intended to prove that if we pro-

[o] [Tertull. de jejun., cap. vi. p. 546.]

ceed probably, we are not tied to sorrow and repentance, though afterwards we find a greater reason to the contrary; but this concludes more in the present question of scruple, in which the greater probability goes before, and the less comes after.

But the rule is to be managed with these cautions:

§ 2. 1) Take heed that in the beginning we do not mistake our desires to have it done for a sufficient warrant that it may. For if we enter in at a wrong door, or at the windows, we must go back, and cannot own that entrance which was like a thief, or that action which was done with more craft than prudence.

§ 3. 2) Be not too easy in the arguments of probation. For although in actions concerning our eternal interest, God expects no more of us but that we should walk by the measures of a man; yet we do not perform our duty if we act by the measures of a child or a fool. If we could do no better, the action might be more reprovable than the man; but if we could consider better and wiser than when we reflect afterwards upon what we did before, and find a fault or a sin, a negligence, or an avoidable error in the principle, we cannot from thence bring rest and confidence to our consciences.

§ 4. 3) Separate your question as much as you can from interest, that your determination and enquiry be pure; and if more arguments occur afterwards than did in the first enquiry, remember that it was well enough at first, if it was probable enough; and for the rest, pray to God to accept you, if you did well and wisely, and to pardon you in what was done amiss, or negligently, or imperfectly.

RULE V.

A SCRUPULOUS CONSCIENCE IS TO BE CURED BY REMEDIES PROPER TO THE DISEASE, AND REMEDIES PROPER TO THE MAN.

§ 1. THAT is, there are some advices which are directly intended for the lessening the scruple, and some others which take away the scruple by curing the man, and taking off his distemperature. Those which are directly intended against the scruple, besides the rules before described, are these:

REMEDIES AGAINST THE SCRUPLE.

§ 2. 1) Let the afflicted and disquiet man often meditate of the infinite goodness of God, and how His justice is equity, and His judgments are in mercy; that He judges us by what we heartily endeavour, but does not put our infelicities into our accounts of sins.

§ 3. 2) Let him be instructed that all laws divine and human

are desirous of sweet and merciful interpretations, and that of themselves they love to yield to necessity and to charity; and that severity and exactness of measures is not only contrary to the goodness, but to the justice of God, who therefore will pity us because we are made of dust, and are a lump of folly and unavoidable infirmities; and by the same justice by which God is eternally angry with the fallen angels, by the same justice He is not finally angry with man for his first follies, and pities all his unavoidable evils.

§ 4. 3) Let it be remembered that charity is the fulfilling of the law, and by the degrees of it a man tends to perfection, and not by forms and tittles of the letter, and *apices* of the handwriting of ordinances[p]. And that if he loves God and does his best, and concerning the doing his best make the same judgments real and material, that he does of the other actions of his life, he certainly does all that can belong to him, and all that which can be wise and safe. He that acts according to the reason of a man, ought to have the confidences of a man, for no other confidence can be reasonable. That is charity that we do carefully and wisely, and follow the best we can.

§ 5. 4) Let it be considered that to incline to the scruple, and neglect the stronger reason that stands against it, is to take the worse end, it is to do that which must seem worse; and then it may be remembered, that if the man is afraid and troubled with the trifle, with the scruple, when he hath stronger reason to secure him, if he yields to the scruple and neglects the stronger reason, the neglect of that will run upon him like a torrent and a whirlwind, and the scruple or the bulrush will not support his building.

§ 6. 5) Since the very design of the evangelical covenant is, that our duty be demanded, and our sins accounted for, according to the measures of a man, and not by the proportions of an angel; and that all our infirmities and ignorances, and unavoidable prejudices are taken into account, beside the infinite remissions on God's part, it will follow that by this goodness of God and a moral diligence, and a good heart we are secured, but we can never be secured by our own measures. For let us weigh never so exactly, we may miss some[q] grains or scruples, but to snatch greedily at the little overrunning dust of the balance, and to throw away the massive ingots that sunk the scales down, is the greatest folly in the world.

§ 7. 6) The lines of duty are set down so clear and legible, are so agreeable to reason, so demonstrable upon their proper principles, are so easy and plain, that we need not run into corners and sneaking bye-lanes to find it out: if by little undiscerned minutes we were to stand or fall, though now there are but few that shall be saved, yet but a few of those few should escape eternal death. The counsels of God are not like the oracles of Apollo, double in their sense, intricate in their expression, secret in their meaning, deceitful in

[p] ['of handwriting or ordinances,'—C, D.] [q] ['some' deest,—C, D.]

their measures, and otherwise in the event than they could be in their expectation. But the word of God in the lines of duty is open as the face of heaven, bright as the moon, healthful as the sun's influence; and this is certainly true, that when a thing becomes obscure, though it may oblige us to a prudent search, yet it binds us not under a guilt, but only so far as it is or may be plainly understood.

§ 8. But in the case of a scrupulous conscience, it is not the thing so much that troubles the mind, as the indisposition of the part, the man hath a vicious tenderness; it is melancholy and fear, and as every[r] accident can trouble the miserable, so every fancy can affright the timorous; the chiefest remedies therefore must be by applications to the man, to cure his distemper, and then the scruple will work no more than its own activity will enable it, and that is but little and inconsiderable.

ADVICES TO THE SCRUPULOUS MAN.

§ 9. 1) The case of the scrupulous man is so full of variety, or uncertainty rather, that it is as easy to govern chance, and to give rules to contingency as to him. In all other cases there is a measure and a limit, and therefore a remedy can be proportioned to it; but in this, fear is the disease, and that alone is infinite; and as it commences oftentimes without cause, so it proceeds without limit. For by what reason it entered in, by the same it may grow; that is, without any cause at all it may increase for ever. But for the remedy, this is considerable, that the worse it is, the better it may be remedied, if we could consider. For when fear is grown so big that it is unreasonable, the cure is ready and plain, that it must be laid aside because it is intolerable, and it may because it is unreasonable. When it comes from a just cause, that just cause is usually the limit of it: but when it is vast and infinite it hath no cause but weakness, and it appears enough in the instances; for the scrupulous man fears concerning those things where he ought to be most confident; he fears that God is angry with him for not doing his duty, and yet he does whatsoever he can learn to be his duty. This is a complication of evils, as melancholy is of diseases. The scrupulous man is timorous, and sad, and uneasy, and he knows not why. As the melancholy man muses long, and to no purpose, he thinks much, but thinks of nothing; so the scrupulous man fears exceedingly, but he knows not what nor why. It is a religious melancholy, and when it appears to be a disease and a temptation, there needs no more argument against its entertainment: we must rudely throw it away.

§ 10. 2) He that is vexed with scruples must fly to God by prayer and fasting, that this lunacy and spirit of illusion which

[r] ['very,'—A.]

sometimes 'throws him into the fire, and sometimes into the water[o]' may be ejected, and the Spirit of God and the Spirit of wisdom may come in substitution, according to the promise so often recorded in the holy scriptures[p].

§ 11. 3) Let the scrupulous man change the tremblings of his spirit to a more considerable object, and be sure if he fears little things, let him fear great things greatly; every known sin let him be sure to avoid, little or great, for by this purity he shall see God, and the things of God, peace and truth; and the honesty of his heart will bear him out from the mischief, if not quit from the trouble of the scruple: at no hand let it be endured that he should think this disease or vicious tenderness in spirit is able to excuse him from his duty in greater things. Some scruple at an innocent ceremony, and against all conviction and armies of reason will be troubled and will not understand; this is very bad, but it is worse that he should think himself the more godly man for being thus troubled and diseased, and that upon this account he shall fall out with government and despise it; this man nurses his scruple till it proves his death, and instead of curing a bile[q], dies with a cancer, and is like a man that hath strained his foot and keeps his bed for ease, but by lying there long falls into a lipothymy, and that bears him to his grave.

§ 12. 4) Let the scrupulous man avoid all excess in mortifications and corporal austerities, because these are apt to trouble the body, and consequently to disorder the mind, and by the prevailing fond persuasions of the world they usually produce great opinions of sanctity and ignorant confidences of God's favour, and by spending the religion of the man in exterior significations make him apt to take his measures from imperfect notices, and then his religion shall be scruple and impertinency, full of trouble, but good and profitable for little or nothing. *Admiratione digna sunt*, saith Cardan[r], *quæ per jejunium hoc modo contingunt; somnia, superstitio, contemptus tormentorum, mortis desiderium, . . obstinata opinio, . . insania: . . jejunium naturaliter præparat ad hæc omnia:* 'it is wonderful to consider what strange products there are of fasting; dreams, superstition, contempt of torments, desire of death, obstinacy in opinion, and madness: to all these, fasting does naturally prepare us:' and concerning S. Hilarion it is reported by S. Hierome, *Ita attenuatus fuit jejunio et vigiliis, in tantum exeso corpore ut ossibus vix hærebat: unde nocte infantum vagitus, balatus pecorum, mugitus boum, voces et ludibria dæmonum*[s], *&c.*, 'that he was so lean and dried with fasting and watching, that his flesh did scarce cleave to his bone: then his desires and capacity of sleep went away, and for want of

[o] [Matt. xvii. 15.]
[p] [Luke xi. 13; James i. 5.]
[q] [See vol. viii. p. 336.]
[r] De rerum varietate, lib. viii. [cap. 40. tom. iii. p. 150.]
[s] [vid. vit. S. Hilar., tom. iv part. 2. col. 76.]

sleep he must needs grow light-headed, and then the illusions of the devil were prepared and certain to prevail; then his brains crowed, and he heard in the desert children crying, sheep bleating, bulls lowing, and rattling of chains, and all the fantastic noises raised by the devil.' Much to the same purpose is by S. Athanasius[t] reported of S. Anthony. It was this excess that made S. Hierome so scrupulous in reading of Tully's orations[u]; it was not an angel, but his own dreams that whipped him for making and reading good Latin and good sense. After long fasting it was that S. Gulslach of Crowald[x] fought with the devil, and such irregular austerities have been in all ages of superstition the great instrument of Satan by which his illusions became oracles, and religion was changed into superstition, and the fear of God into timorousness, and enquiry into scruple.

§ 13. 5) Let the scrupulous man interest himself in as few questions of intricate dispute and minute disquisition as he can; they that answer fewest do commonly trouble themselves with most. Curious questions may puzzle every man, but they can profit no man, they are a certain disturbance, they are rebels in the kingdom of the inner man, they are just the same things in speculation which scruples are in practice, and therefore because notice properly tends and directs to action, the increase of them will multiply these. Avoid them therefore, for not these, but things practical are the hinges of immortality; but the other break the peace of the superior faculties, they trouble the understanding and afflict the conscience, and profit or instruct no man.

§ 14. 6) He that would cure his scrupulousness must take care that his religion be as near as he can to the measures and usages of common life. When S. Anthony[y] was troubled with a scrupulous conscience, which so amazed him, that he thought it was impossible ever for him to arrive at heaven, an angel came to him in the likeness of a hermit, or rather a hermit spake to him like an angel and said, *Nunc paululum laborando manibus, nunc genibus flexis orando, deinde corpus reficiendo, post quiescendo, et rursus iterum operando, Antoni, sic fac tu et salvus eris:* 'sometimes labour with thy hands, then fall on thy knees and pray, then refresh thy body, then sometimes rest, and then labour again; and so thou shalt be saved.' Let us take care that our religion be like our life, not done like pictures, taken when we are dressed curiously, but looking as the actions of our life are dressed, that is, so as things can be constantly done, that is, that it be dressed with the usual circumstances, imitating the examples, and

[t] [Vit. Anton., tom. i. p. 798, sqq.]

[u] [Hieron., epist. xviii. tom. iv. part. 2. col. 42, 3.]

[x] [S. Guthlac of Croyland; see his life in Surius, and the Acta Sanctorum, on April 11.]

[y] [Ephræm. Syr., apophth. patr., cap. i. (p. 504. ed. Voss. fol. Col. Agr. 1603); Ruffin., vitt. patr., lib. iii. cap. 105. (e Pelag., vii. 1), apud Rosweyd., p. 516: cf. pseud-August. ad fratr. in erem., serm. xvii., tom. vi. append. col. 321 G.]

following the usages of the best and the most prudent persons of his communion; striving in nothing to be singular, not doing violence to any thing of nature, unless it be an instrument or a temptation to a vice. For some men mortify their natures rather than their vicious inclinations or their evil habits, and so make religion to be a burden, a snare, and an enemy. For in scrupulous, that is, in melancholy persons, nature is to be cherished in every thing where there is no danger, that is, where she is not petulant and troublesome. Such men have more need of something to repair their house, than to lessen it.

§ 15. 7) Let the scrupulous man take care that he make no vows of any lasting employment. For the disease that is already within, and this new matter from without, will certainly make new cases of conscience, and new fears and scruples upon the manner, and degrees, and circumstances of performance. Therefore whatever good thing they intend, let them do it when they can, when it is pleasant, when it is convenient, and always reserve their liberty. For besides that to do otherwise must needs multiply scruples, it is also more pleasing to God that we make our services to be every day chosen, than after one general choice of them, to have the particulars done and hated.

§ 16. 8) But that I may sum up many particulars in one. The scrupulous man must avoid those companies, and those employments, and those books from whence the clouds arise, especially the books of ineffective and fantastic notion, such as are legends of saints, ridiculously and weakly invented, furnished out for ideas, not for actions of common life, with dreams and false propositions; for the scrupulous and fearful will easily be troubled, if they find themselves fall short of those fine images of virtue which some men describe, that they might make a fine picture, but like nobody. Such also are the books of mystical theology, which have in them the most high, the most troublesome, and the most mysterious nothings in the world, and little better than the effluxes of a religious madness.

§ 17. 9) Let the scrupulous man endeavour to reduce his body into a fair temper, and enkindle in his mind a great love and high opinions of God and God's mercy, and by proper arts produce joy in God, and rejoicings in the spirit; let him pursue the purgative way[s] of religion, fight against and extirpate all vicious habits and evil customs, do the actions of virtue frequently and constantly, but without noise and outcries, without affectation and singularity: that religion is best which is incorporated with the actions and common traverses of our life; and as there will be some foolish actions, so there will be matter for repentance; let this humble us, but not amaze us and distract us.

§ 18. 10) Let all persons who are or use to be thus troubled with

[s] [See vol. ii. p. 137.]

flies and impertinencies of reason and conscience, be carefully and wisely instructed in those practical propositions which are the general lines of life, which are the axioms of christian philosophy, which like the rules of law have great influence in many virtues, and have great effect towards perfection. For the more severe the rules are, the more apt they are to be the matter of scruple when they are not understood in their just measures. Such as are, It is the part of a good mind to acknowledge a fault where there is none; Not to go forward is to go backward; He that loves danger shall perish in danger; Hold that which is certain, and let go that which is uncertain. There are many more, of which I am to give accounts in the next book, and from thence the scrupulous may derive assistances.

Concerning the matter of scruples, I on purpose decline the considering of it here, because either every thing or nothing of it is to be handled. A scruple may arise in the doing of every duty, in the remembrance of every action; and to stop one gap, when the evil may enter in at five hundred, I did suppose not to be worth my labour. I therefore reserve every thing to its own place, being content here to give the measures and rules of conscience in its several kinds and differing affections, that is, in all its proper capacities which can relate to action.

THE END OF THE FIRST BOOK.

DUCTOR DUBITANTIUM.

OR,

THE RULE OF CONSCIENCE.

THE SECOND BOOK.

OF THE LAWS DIVINE[a] AND ALL COLLATERAL OBLIGATIONS.

[a] ['The laws divine and human,'—A.]

CHAP. I.

OF THE LAW OF NATURE IN GENERAL.

RULE I.

THE LAW OF NATURE IS THE UNIVERSAL LAW OF THE WORLD, OR THE LAW OF MANKIND, CONCERNING COMMON NECESSITIES TO WHICH WE ARE INCLINED BY NATURE, INVITED BY CONSENT, PROMPTED BY REASON, BUT IS BOUND UPON US ONLY BY THE COMMANDS OF GOD.

§ 1. Ἔστω σοὶ πρὸ ὀφθαλμῶν γινώσκειν τί νόμος φυσικὸς, καὶ τί τὰ τῆς δευτερώσεως, said the apostolical constitution[a]: 'be careful to understand what is the law natural, and what is superinduced upon it.' The counsel, abating the authority and reverence of them that said it, is of great reasonableness. For all men talk of the law of nature, and all agree that there is such a material law which some way or other is of the highest obligation; but because there are no digests or tables of this law, men have not only differed about the number of them, and the instances themselves, but about the manner of drawing them forth, and making the observation: whereas if the law of nature were such a thing as it is supposed generally, these differences would be as strange and impossible as that men should disagree about what is black, or what is yellow, or that they should dispute concerning rules to signify when they desire, or when they hope, or when they love. The purpose of the present intendment will not suffer me to make large disputes about it, but to observe all that is to be drawn from it in order to conscience and its obligation.

THE LAW OF NATURE—

§ 2. *Jus naturæ* and *lex naturæ* are usually confounded by divines and lawyers, but to very ill purposes, and to the confusion and indistinction of all the notices of them. The right of nature, or *jus*

[a] Constit. apost., lib. i. cap. 6. [p. 207. For the materials of the two first chapters of the second book Taylor used largely Selden's treatise De jure naturali et gentium juxta disciplinam Ebræorum.]

naturæ is no law, and the law of nature is no natural right[b]. The right of nature is a perfect and universal liberty to do whatsoever can secure me or please me. For the appetites that are prime, original, and natural, do design us towards their satisfaction, and were a continual torment, and in vain, if they were not in order to their rest, contentedness, and perfection. Whatsoever we naturally desire, naturally we are permitted to. For natures are equal, and the capacities are the same, and the desires alike; and it were a contradiction to say that naturally we are restrained from any thing to which we naturally tend. Therefore to save my own life, I can kill another, or twenty, or a hundred, or take from his hands to please myself, if it happens in my circumstances and power; and so for eating, and drinking, and pleasures. If I can desire, I may possess or enjoy it; this is the right of nature. *Jus naturæ*, by *jus* or right understanding not a collated or legal right, positive or determined, but a negative right, that is, such a right as every man hath without a law, and such as that by which the stones in the streets are mine or yours; by a right that is negative, because they are *nullius in bonis*, they are appropriate to no man, and may be mine; that is, I may take them up and carry them to my bed of turf, where the natural, wild, or untutored man does sit. But this is not the law of nature, nor passes any obligation at all.

§ 3. And indeed nature herself makes not a law:

Nec natura potest justo secernere iniquum[c]

and this opinion Carneades did express, but rudely, and was for it noted by Lactantius[d]. He said there was no law of nature. But the Christians who for many ages have followed the school of Aristotle, have been tender in suffering such expressions, and have been great promoters of Aristotle's doctrine concerning the τὸ φυσικὸν, the natural law. But indeed Aristotle[e] himself in this was various and indetermined. For in his Ethics he affirms that some think the natural law to be τὸ μὲν φύσει ἀκίνητον καὶ πανταχοῦ τὴν αὐτὴν ἔχει δύναμιν, ὥσπερ τὸ πῦρ καὶ ἐνθάδε καὶ ἐν Πέρσαις καίει, 'unalterable, and of the same force every where, as fire burns here and in Persia:' and yet he himself makes it mutable, and that it is not the same among all nations; for so he in his Rhetorics says[f], ἐστὶ γὰρ ὃ μαντεύονταί τι πάντες φύσει κοινὸν δίκαιον καὶ ἄδικον, κἂν μηδεμία κοινωνία πρὸς ἀλλήλους ᾖ, μηδὲ συνθήκη, that some 'do divine' (not demonstrate) 'that some things are just or unjust by nature, without any covenant or society;' intimating, that without a covenant or contract tacit or explicit, there can be no law: and if

[b] Valla, Elegant. Lat., lib. iv. cap. 48. [p. 139.]

[c] [Hor. Sat., i. 3. 113.]

[d] [Inst. Div., lib. v. cap. 15. tom. i. p. 397.]

[e] Eth. Nic., lib. v. cap. 10. [t m. ii. p. 1134. The reader will perceive that Taylor failed to distinguish the difference in design and point of view between the Ethics and Rhetoric of Aristotle.]

[f] Lib. i. cap. 13. [tom. ii. p. 1373.] et cap. 15. [p. 1376.]

it depends upon contract, it must be variable as necessity and contingency together; and so he affirms[g], that there is nothing so naturally just but it is variable; and although the right hand is in most men the strongest, yet in some the left hand is. Διανεμητικὸν δίκαιον τῶν κοινῶν ἀεὶ κατ' ἀναλογίαν ἐστὶ τὴν εἰρημένην, 'distributive justice is by proportion,' and therefore it is variable; and in general he affirms of all justice, τὸ δὲ δίκαιον ἀνάλογον, 'justice is in proportion and relation.'

§ 4. For justice is ἀλλότριον ἀγαθὸν[h], that is, πρὸς ἕτερον, a relative excellency, and therefore must suppose society, and a paction or covenant. For a man cannot be unjust to himself or to his own goods which are absolutely in his power; οὐκ ἔστιν ἀδικία πρὸς αὐτὸν[i], and therefore justice, I mean that universal virtue that contains all else within it,

Ἐν δὲ δικαιοσύνῃ συλλήβδην πᾶσ' ἀρετή ἐστιν [k]

is a virtue that hath its being from something superinduced upon nature. Justice is natural, as all virtues are, that is, reasonable and perfective of our nature, and introductive of well-being. But nature alone hath not enjoined it originally, any more than matrimonial chastity was a natural law, which could not be at all before Eve was created, and yet our nature was perfect before. *Justum nihil est non constituta lege*, 'nothing is just or unjust of itself, until some law of God or man does supervene;' and the sceptics generally, and amongst the dogmatics Aristippus said, that nothing is just by nature, but only νόμῳ καὶ ἔθει, 'by law and custom;' which in what sense it is to be admitted, I shall explicate in the following periods.

IS THE UNIVERSAL LAW OF THE WORLD,—

ὁ κοινὸς νόμος, so Aristotle[l] calls it, 'the law of mankind.' *Commune omnium hominum jus*, so Justinian[m]; which is not to be understood of all men in all things absolutely, but especially of all wise or civil nations that communicate with each other. Lucretius[n] restrains it to neighbours,

> Tunc et amicitiam cœperunt jungere habentes
> Finitima inter se nec lædere, nec violare.

But many nations have thought, and some think so still, that they may hurt stranger people, the possessors of far distant countries, barbarous and savage people. The Romans who were the wisest of all nations did so.

> —— si quis sinus abditus ultra,
> Si qua foret tellus quæ fulvum mitteret aurum
> Hostis erat[o] ——

[g] Ethic. Nic., lib. v. cap. 7. [p. 1131.]
[h] [Eth. Nic., lib. v. cap. 10. p. 1134.]
[i] Ethic., lib. v. cap. 10. [p. 1134.]
[k] [Theogn. 147, apud eund. p. 1129.]
[l] Rhetor., l. i. c. 15. [tom. ii. p. 1375.]
[m] L. ix. ff. de jure et justitia. [Digest., lib. i. tit. 1. col. 3.]
[n] [lib. v. 1018.]
[o] [Petron.] Arbiter. [sat. cxix. 4.]

All people whom they called barbarous, or whom they found rich, were their enemies.

§ 5. But there are some laws of nature which belong to all absolutely to whom any notice of the true God and of good manners is arrived; particularly those which belong to common religion. But in the laws of justice, the law of nature is more restrained, because it does not only, like the laws of religion, suppose some communications of command from God, but some entercourse with man; and therefore are obligatory or extended, in proportion to the proximity and communication. But the law taken in its integrity, or according to its formal reason, is the law of all mankind; for all men in all things are bound to it.

— CONCERNING SOME COMMON NECESSITIES—

This describes the matter and body of natural laws: for there is nothing by which the laws are denominated natural more than by this, that they are provisions made for the natural necessities of mankind; such are, to do as we would be done to: to perform covenants: to secure messengers of peace and arbitrators: to be thankful to our benefactors, and the like: without these a man cannot receive any good, nor be safe from evil.

§ 6. By this relation, and interchanging reason, it is therefore necessary that these laws should be distinguished from all others, because these and their like proceed from the same principle, are restrained by the same penalties, written in the same tables, have the same necessity, and do suppose something superadded to our nature; and therefore that these and their like are natural, and the others are not, must be by relation to the subject matter.

§ 7. For in these cases and the like, when that which is profitable is made just, then that which is natural is made a law; that is, when the law tends to the same end whither nature tends, when the faculty or appetite is provided for by obedience to a law, then the law is called natural. For since all good and just laws are profitable, they are laws civil or religious or natural, according as they serve the end of the commonwealth, or of the religion, or of nature. This is evident in the code of the Mosaic law, where all laws being established by God under the same prince, could have no difference but by their subject matter; and when they did lie in one body, to separate one from the other by proper appellatives was not easy, but by their manner of doing benefit, and their material relations.

§ 8.—TO WHICH WE ARE INCLINED BY NATURE,—

That which is usually called the law of nature is of itself nothing else but *convenientia cum natura rationali*, 'a consonancy to natural reason and being.' Some in drawing the tables of the natural law,

estimate those only to be natural laws which are concerning appetites and actions common to man and beast. *Jus naturale est quod natura omnia animalia docuit,* said Ulpian[o], 'that is the law of nature which is by nature taught not only to men, but even to beasts,' for they also are under her power;

——— magnis agitant sub legibus ævum[p].

The same definition is also given by Aquinas[q], and many lawyers after Justinian, and almost all divines after Aquinas; but Laurentius Valla[r] will at no hand endure it, *Nam jus naturale dicere quod natura omnia animalia docuit, ridiculum;* 'it is ridiculous to affirm that to be the law of nature which nature teaches to all living creatures;' such as are, conjunction of sexes for conservation of the kind, nursing and educating children, abstinence from some certain mixtures and copulations, abhorring the conjunction of some very near persons. Concerning which it is therefore certain, that though the matter of these laws is hugely agreeable to nature, and some of them are afterwards made into laws, and for their matter sake and early sanction are justly called natural (as I have otherwhere discoursed[s]), yet they are made laws in nature only dispositive, that is, by nature they are made candidates of laws, they are prepared by nature, but completed by God in other ways than by our nature and creation.

§ 9. The reason is, because that which is natural is one, but these laws admit variety; and amongst wise nations in several cases have and have not obligation. The religious, and the priests, and wise men[t] among the Persians did not account themselves bound by all these, as I shall discourse in the following numbers; and yet they were then to be reckoned amongst the wisest men in the world, because of their great empire and government, which, by reason of their great necessities and communications with mankind, cannot be done without its proportion of wisdom. But if nature did make these into a law, that is, if it comes by creation, and from thence also the penalty and coercion is derived (for without these there is no law), then it were impossible the wise Persians should think it commendable to do that which others called abominable, since in all those things in which they do a thing which they call unlawful, they as other men felt an equal sharpness and pungency of conscience.

§ 10. But that I may speak closer to the particular, that a thing is common to men and beasts is no indication of a law of nature, but only of a common necessity, instinct, or inclination respectively. For they do it without a law, and therefore so may we, unless something else besides nature makes it a law to us; for nature or natural desire in them and us is the same, but this desire is in them where

[o] L. i. ff. de justitia et jure. [Digest., lib. i. tit. 1. col. 1.]

[p] [Virg. Georg., iv. 154.]

[q] 1. 2ᵉ. q. xciv. art. 2. [tom. xi. fol. 204.]

[r] Elegant. Lat., lib. iv. cap. 48. [p. 139.]

[s] See 'Great Exemplar,' [preface throughout.]

[t] [i. e. μαγοι, see Herod. Clio, 140.]

a law cannot be, and therefore in us also it may be without a law. Beasts do all that they can do, and can love, and are no more capable of law than of reason; and if they have instincts and inclinations, it is no otherwise than their appetites to meat, concerning which nature hath determined all, but without proper obligation: and all those discourses concerning the abstinence of beasts, their gratitude, their hospitality, their fidelity, their chastity and marriages, are just like the discourses of those that would make them reasonable. More certain and true is that which was said of old,

Ἰχθύσι μὲν καὶ θηρσὶ, καὶ οἰωνοῖς πετεηνοῖς
Ἐσθεῖν ἀλλήλους, ἐπεὶ οὐ δίκη ἐστὶν ἐν αὐτοῖς·

'Fishes and birds and beasts eat one another, because they have no justice or laws amongst them,' said Hesiod[u]; and the like is in Homer[v],

Ὡς οὐκ ἔστι λέουσι καὶ ἀνδράσιν ὅρκια πιστα

and therefore although it is a good popular argument which is used against unnatural conjunctions which is in the Greek epigram[x],

Δέρκεο τῶν ἀλόγων ζώων γένος, ἢ γὰρ ἐκείνων
Οὐδὲν ἀτιμάζει θέσμια συζυγίης, κ.τ.λ.

Abstain from such impurities, for the very beasts preserve their natural customs and conjunctions inviolate; yet this is an infinitely uncertain and fallacious way of estimating any particular laws of nature, because it may as well be said to be against the law of nature to be drunk, as to be incestuous, upon this account, because cows will drink no more than to quench their thirst: and although in the law of Moses, beasts were put to death if they were instrumental in bestiality or murder, yet this was *in pœnam domini*[y], or a matter of dominion over beasts; and the word *pœna* or punishment was improper and no otherwise to be understood than that of Suidas[z] in his story of Nicon; whose statue when an envious person had whipped, to disgrace his memory, because in the Greek games he had won fourteen hundred crowns, the statue fell upon his head and crushed him to death, τοῦ δὲ οἱ παῖδες ἐπεξῆεσαν φόνου ἐπὶ τῇ εἰκόνι· καὶ οἱ Θάσιοι καταποντοῦσιν αὐτὴν, κατὰ νόμον τοῦ Δράκοντος Ἀθηναίου: 'his sons accused the statue as guilty of murder, and the Thasians threw it into the sea; for so was the law of Draco the Athenian,' ὑπερορίζειν φονεύοντα καὶ τὰ ἄψυχα, 'to banish every thing that killed a man,' though it were wood, stones, or hatchets, as you may see in Demosthenes[a]. These things were tragical detestations and emblematical prosecutions of the crime; but the men were wiser than to believe it really a punishment to inanimate things. The same is true of beasts in their proportion, whose cruelty, savage-

[u] [Opera et dies, 275.]
[v] [Iliad., x. 261.]
[x] [Agath., in anthol., tom. iv. p. 3.]
[y] [Maimon. Moreh Nevochim, part. iii. cap. 40.]
[z] [Sub. voc. Νίκων· al. Theagenes Thasius, Pausan., lib. vi. cap. 11.]
[a] Orat. contr. Aristocratem. [Orat. xxiii. § 89. tom. v. p. 720.]

ness, or violent revenges is not *κακία*, but *οἱονεὶ κακία*, as Origen[b] calls it, it is like pravity or wickedness.

§ 11. This thing is so much the more considerable, because it is of use against the pretences and scruples of some persons in things where they ought to be confident. S. Hierome[c] says that beasts when they are impregnated abstain from coition till the production of their young, and that this they do by the law of nature; now upon this account to impose a law upon mankind to do so too, is weak and dangerous. But yet not only he, but Origen[d], S. Ambrose[e], and Sedulius[f], do argue to the same purpose upon that very ground; most weakly and dangerously exposing married persons to the greater dangers of fornication, and depriving them of all the endearments of society, not considering that those creatures, and those men whose custom was otherwise, or laws different, had *vagam libidinem*, or the evil remedy of polygamy. Beasts indeed are so ordered by nature, but without a law; as there is no law for lions to eat flesh, or oxen grass, but yet naturally they do it. A beast may be cruel or lustful, or monstrous and prodigious in the satisfaction of his appetites; but not injurious, or the breaker of any sanction, or laws of justice. There may be *damnum sine injuria facientis datum*, says the law[g], and it is instanced in beasts. *Neque enim potest animal injuriam fecisse dici, quod sensu caret*, 'a beast that hath no sense, (that is, no reason), no sense or perception of lawful or unlawful, cannot be said to do an injury,' and therefore is not capable of punishment, because he is incapable of a law. So Justin Martyr[h], or whoever is the author of the questions and answers placed in his works, Τὸ *ἐπὶ φαυλότητι πράξεως διαβάλλειν τῶν ἀλόγων τὰς φύσεις, οὐκ ἔστιν εὔλογον*, 'it is unreasonable to exact of beasts the obliquity of their actions,' because they have no reason; it is therefore as unreasonable to make the law of nature to be something common to them and us.

§ 12. If it be replied, that the lawyers and philosophers mean only that these material instances which are common to them and us are the particulars of the law of nature, and though they be not a law to them, yet the same things which they do naturally, are natural to us, and a law besides, that is, the natural law: besides that this is not usually said by them, we are then never the nearer to know what is the law of nature by this description of it, for all things which they and we do are not pretended to be laws; as eating and sleeping; and therefore by what measure any other thing should be a law to us because they and we do it, is not signified by this defini-

[b] Contr. Celsum. [vid. lib. iv. tom. i. p. 564.]

[c] Contr. Jovin., lib. i. [tom. iv. part. 2. col. 192: in Ephes. tom. iv. 1. col. 390.]

[d] Hom. v. sup. 19. Genes. [tom. ii. p. 75 C.]

[e] Comm. sup. Luc. i. lib. 1. [§ 44. tom. i. col. 1281 B.]

[f] In Ephes., cap. v. [tom. v. part. 1. p. 507 D. Magn. bibl. vet. patr.]

[g] L. i. ff. 'Si quadrupes,' § 3. [Digest., lib. ix. tit. 1. col. 257.]

[h] [Quæst. ad orthod., cxxviii. p. 496 D.]

tion, or any explication of it. Let us then try the other measures which are usual.

— INVITED BY CONSENT,—

§ 13. The consent of nations, that is, public fame amongst all or the wisest nations, is a great signification of decency or undecency, and a probable indication of the law of nature.

Φήμη δ' οὔτις πάμπαν ἀπόλλυται, ἥντινα πολλοὶ
Λαοὶ φημίζουσι [j].——

It is not a vain noise when many nations join their voices in the attestation or detestation of an action; and it looks as if it were derived from some common principle, which seems either to be nature or contract; and then, as in the first case they are reasonable, so in the second they are directly obligatory. *Quod apud multos unum invenitur, non est erratum sed traditum,* said Tertullian [k]: like that of Heraclitus, τὰ κοινῇ φαινόμενα πιστὰ, if it seems so to the communities of mankind, it is genuine, and natural, and without illusion.

§ 14. Now this is true up to many degrees of probability; and yet it is rather an index of a permission of nature than of a natural obligation; it tells us rather what we may do, than what we must, it being more probable that all nations will not consent to an unnatural thing, that is, will not do violence to nature, than that whatsoever they commonly act should be a necessary law, and the measures of nature, or the indication of her sanctions; and yet it is still more probable that the consent of nations is more fit to be used as a corroborative to a persuasion or a kind of actions, than as the prime motive or introduction. Κράτιστον πάντας ἀνθρώπους φαίνεσθαι συνομολογοῦντας τοῖς ῥηθησομένοις, said Aristotle [l]; and *argumentum est veritatis aliquid omnibus videri,* said Seneca [m]; 'it is a great strengthening and a powerful prevailing argument to have all men consent to our opinions and proposition.' But it is in many moral instances as it is in the universal opinion which all mankind hath concerning jewels, where they consent no man knows how or why. And no man can give a rational account why so great value should be set upon a diamond, but because it looks prettily and is lasting: and so there are in nature decencies and lasting proportions in moral instances between the conscience and the action; but yet as there is no proper and effective usefulness in diamonds towards the life of man, so neither is there in many instances in which the consent of mankind is very general. And therefore this is very far short of a law, and is no certain token of a permissive right of nature, much less of a law or obligation. For,

[j] [Hesiod. opera et dies, 761.]
[k] De præscript. [cap. 28. p. 212 A.]
[l] [Ethic. Eudem., lib. i. cap. 6. tom. ii. p. 1216.]
[m] [Epist., cxvii. tom. ii. p. 577.]

§ 15. 1) Whole empires have been established and united by violence, and have laws given to them, and they received them in pursuance of the conqueror's interest, and their educations have been formed accordingly. Ninus formed the Assyrian monarchy, and his son was flattered into the reputation of a god, and all the nations under that sceptre consented to the worship of Belus; and all the nations with whom these men conversed, imitated the manners of the *princeps populus*, and in their banquets the most modest of their women used to strip themselves stark naked, and it was counted no undecency, but she was rude and uncivil that did not.

§ 16. 2) There are some nations so wholly barbarous and brutish in their manners, that from their consent we can gather nothing but thorns and wild briars: they are the words of Porphyry[n], ἐξ ὧν οὐ προσήκει τοὺς εὐγνώμονας τῆς ἀνθρωπίνης καταψεύδεσθαι φύσεως, 'from whom we must not learn to belie and abuse the fair inclinations and sentences of human nature.' And therefore if we go to account by the consent of nations, we must thrust out all wild, savage, barbarous, and untaught people, νόμιμον ἐθνικόν ἐστιν, οὐχὶ τὸ βαρβαρῶδες· τὸ γὰρ τοῦ ἔθνους ὄνομα νομικῶς εἰρημένον γενῶν συλλήπτικόν ἐστι νόμοις ὑποκειμένων, said Michael Psellus[o]: 'we must into the account of the law of nations take them only who are subject to laws,' the well mannered people only, but then this also will be an infinite uncertainty. For,

§ 17. 3) All nations to the Greeks were barbarous; to the Romans also all nations but the Greeks and themselves: and to the Jews all were heathens, which to them signified the same thing or worse.

§ 18. 4) And then which are those nations whom we shall call *moratiores*, wise and well mannered people, for this will depend upon our own customs; if they be like our customs, our laws, and manners of living; then we approve them, else we condemn them.

§ 19. 5) But then let us remember also that civility and fair customs were but in a narrow circle, till the Greeks and Romans beat the world into better manners. Aristotle[p] says, that in his time in the kingdoms of Pontus, which were very near to Greece, divers nations were eaters of man's flesh, such as were the Achæans and Heniochans, and divers amongst the Mediterraneans were worse than they.

§ 20. 6) The greatest part of the world were undiscovered till this last age, and amongst them the *jus gentium* was to sacrifice one another to demons; for all the old navigations were by maritime towns, and the inlands either were left alone in their own wilder manners, or it is not known what civilities they had. So that the *jus gentium* must needs have been an uncertain thing, vari-

[n] [De esu animal., lib. iv. cap. 21. p. 375.]

[o] In Synopsi LL. [lin. 84, ed. 8vo. Par. 1632.]

[p] Lib. viii. Polit. cap. 4. [tom. ii. p. 1338.]

able and by chance, growing by accidents, and introduced by violence, and therefore could not be the measure of the law of nature.

§ 21. 7) Add to these that the several nations of the world had customs of their own, which commencing upon uncertain principles, have been derived to their posterity, and retained with a religious fancy; becoming natural and proportionable to their fancies and their fears, and they would rather die than do an act of violence to them, and believed it to be the greatest impiety in the world to break them. Herodotus[p] tells a full instance of this in a trial made by Darius to the Indians and Greeks. He asked the Greeks what they would take to do as the Indians did who eat their dead parents and friends, and accounted it the most honourable burial; they answered, they would not do it at any price. And when he asked the Indians upon what conditions they would be induced to burn the bodies of their fathers, and not to eat them, they desired him not to speak to them of any such horrid impiety as to burn their fathers' carcasses, and to deny to them the honour of a natural burial in the bowels of their dear children. Ἔθος δαίμων[q]· 'custom is the genius,' or spirit of a man's actions, and introduces a nature, a facility, a delight, and religion itself. Καὶ γὰρ τὸ εἰθισμένον ὥσπερ πεφυκὸς ἤδη γίγνεται· ὅμοιον γάρ τι τὸ ἔθος τῇ φύσει· ἐγγὺς γὰρ τὸ πολλάκις τῷ ἀεί, ἔστι δ' ἡ μὲν φύσις τοῦ ἀεί, τὸ δὲ ἔθος τοῦ πολλάκις[r]· 'custom is as nature, and that to which we are accustomed is like that which we were born. For that which is often is next to that which is always; it is nature which is always, that is custom which is frequent.' It is possible that nature in many things should be altered, and it is very difficult that custom should in any thing; we have seen and heard it in a great instance in a few ages last past. For when some of the reformed doctors by their private authority did twice attempt it, and the church of Rome did twelve times publicly endeavour it, to get the Greeks to forsake the customs of their churches, and to reform themselves by their copy, they were all repulsed; and if the Greek prelates should take the people off from their old customs, besides that the great Turk would do them a mischief for complying with the western Christians his enemies, the people themselves would indanger all their religion and turn Turks, if they once did learn that their old customs were not necessary religion: and therefore they chose to stick secure in their religion though allayed with some errors, than for the purchase of a less necessary truth endanger the whole religion by taking the people off from their *jura gentis*, the customs of their nation.

§ 22. 8) Some nations do refuse to admit of some of those laws which others call the laws of nature, and such which indeed were given to all the nations of the world.

——— Non fœdera legum
Ulla colunt, placidas aut iura tenentia mentes[s].

[p] In Thalia. [cap. xxxviii.]
[q] [See vol. vii. p. 281.]
[r] Arist. Rhetor., lib. i. cap. 11. [tom. ii. p. 1370.]
[s] Val. Flacc. [iv. 102.]

and excepting the care of children, to which by natural likeness and endearments we love to be obliged, and so less stand in need to be tied to it by a law, excepting this I say, to which beasts also do as well as we, some wise persons have observed that in all things else we are at liberty, that is, naturally tied to no law.

> Εἷς γάρ τις ἐστὶ κοινὸς ἀνθρώποις νόμος
> καὶ θεοῖσι τοῦτο δόξαν, ὡς σαφῶς λέγω,
> θηρσίν τε πᾶσι τέκνα τίκτουσιν φιλεῖν·
> τὰ δ' ἄλλα χωρὶς χρώμεθ' ἀλλήλων νόμοις[t].

But the instances will make greater indication of this than any man's affirmative. The Idumæans are thieves and murderers, and will not believe that they do amiss. The manner of their nation is to live very much upon robbery, and plundering merchants: and in Homer's time there was a nation of pirates; *οὐκ ἄδοξόν τῳ παρὰ τοῖς παλαιοῖς τὸ λῃστεύειν, ἀλλ' ἔνδοξον*, said the scholiast upon Homer's *Odysses* τ.[u] They thought it no disparagement to steal, but an honourable and a glorious thing; and it is worse now, and hath been growing so ever since Nimrod's time. Men account it lawful to kill and steal, if they do it by nations, by companies, and armies, and navies: and Cato had reason to complain[x], *Fures privatorum furtorum in nervo atque in compedibus ætatem agunt, fures publici in auro atque in purpura;* and particularly A. Gellius[y] tells of the Egyptians that they allow of thefts; and the wiser Lacedæmonians, a sober and a severe people, taught their young men to steal without covetousness, so they pretended, not to enrich themselves, but to encourage them to fight the better by plundering well. Pomponius Mela[z] tells of the Augilæ, a nation in Africa, whose custom it was that every bride should be prostitute to all comers the first night, and she who had entertained most, was most honoured: and Solinus[a] tells of the Garamantici that they know no marriages, and therefore children only own their mothers, for they can hardly guess at their fathers; and indeed the old world did do such vile things, contracted such base customs, so delighted in wickedness, that as they highly provoked God to anger, so they left it impossible to judge of the laws of nature by the consent of nations. Propertius[b] complains severely of this popular impiety.

> Sed postquam tellus scelere est imbuta nefando,
> Justitiamque omnes cupida de mente fugarunt,
> Perfudere manus fraterno sanguine fratres,
> Destitit extinctos natus lugere parentes,
> Optavit genitor primævi funera nati,
> Liber ut innuptæ potiretur flore novercæ:
> Ignaro mater substernens se impia nato,
> Impia non verita est divos scelerare penates,

[t] Eurip. Duty. [apud Stob. Floril., lxxxiii. 17.]
[u] [vid. schol. in Odyss., γ. 71, 3. p. 86. ed. Buttmann. 8vo. Berol. 1821.]
[x] Aul. Gell., lib. xi. cap. 18. [§ 18.]
[y] [Ibid., § 16, 7.]
[z] Lib. i. cap. 8. [§ 8.]
[a] Polyhist. [cap. xliii.]
[b] [Leg. Catull.] Epithal. Pelei et Thetidos. [Carm. lxiv. 398.]

'Omnia fanda, nefanda malo permista furore
Justificam nobis mentem avertere deorum.

'The whole earth grew so impure and degenerous, that they drave justice from them as their enemy; brothers washed their hands in their brothers' blood; the sons mourned not at their fathers' funeral; and the father wished the death of his eldest son, that he might lie with his son's wife; the mothers would steal secretly into the embraces of their sons; and they feared not to break the laws of hospitality, or custom, or nature, or of societies.' Now from hence it will be impossible to derive our customs, and so to suppose them to be laws of nature, which are openly destructive of justice. And upon this last instance it appears that the saying of Polybius[b] will be of no use to us in this question; δεῖ δὲ σκοπεῖν ἐν τοῖς κατὰ φύσιν ἔχουσι μᾶλλον τὸ φύσει καὶ μὴ ἐν τοῖς διεφθαρμένοις, 'that for the laws of nature we must seek amongst them that live according to nature, not amongst them whose natures are depraved by custom;' since as Andronicus of Rhodes was wont to say, 'He lies not that says honey is sweet, though a sick man refuses it as bitter and unpleasant;' so is the law of nature perfect and immutable in those nations who are endued with a sound mind and a sober judgment. This indeed is true, but how this can be reduced to practice, will be found inexplicable, and the thing itself impossible: since the Lacedæmonians, the wisest and severest amongst all commonwealths, permitted such natural injustices, and would breed children upon their own wives by strangers that they might have a good and a handsome breed.

§ 23. 9) Some tyrants have made laws to serve their lusts, or their necessities, and these things have come into customs, and laws of nations, and sometimes have been suppressed, or spent in desuetude. It was the case of Seleucus[c], who in the necessity of his son Antiochus gave him his own wife, and made it a law for the future, which thing either was instantly disgraced and rejected, or else S. Paul had not heard, or had not taken notice of; for he thought it such a fornication as was not so much as named amongst the gentiles that one should have his father's wife: indeed it was not named *inter cordatiores*, or those with whom he had conversed; but in Syria and in the Pontic kingdom before his time, it had been named and practised and passed into a law; and yet that kingdom consisted of two and twenty nations of distinct languages. There was another instance like it spoken of by Cicero[d], that a woman married her daughter's husband, which exactly was the same undecency and incestuous approach; *Nubit genero socrus, nullis auspicibus, nullis auctoribus, funestis ominibus: o mulieris scelus incredibile et præter hanc unam in omni vita inauditum.* Something like S. Paul's ἥτις οὐδὲ ὀνομάζεται, but yet sometimes it was done, and not only before his time, but long after this monition also, as it was in the case of Antoninus

[b] [Lege Aristot. pol., lib. i. cap. 5. tom. ii. p. 1254.]

[c] Appian. de Bell. Syr. [capp. lix.—lxi.]

[d] Orat. pro Cluent. [capp. v., vi.]

Caracalla: *Matrem duxit uxorem; ad parricidium junxit incestum;* so Spartianus[e]. Now concerning these things, how can any man from hence take an estimate of the law of nature? for this cannot be of the law of nature which hath in it so unreasonable and unnatural complications; and yet by what rule shall we judge of nature's law, since the wisest persons, even Socrates and Cato, did such things which they thought fit, and we call unreasonable, for they gave their wives to their friends, as a man lends his beast for his neighbour's use.

§ 24. 10) There are some nations so used to a rude unmannerly pride and fierceness, that all civility seems softness and effeminacy. To this purpose is that which Tacitus[f] reports of the son of Phraates the Parthian, who being bred up with Tiberius and efformed into the Roman civilities, was by the prince his friend sent to the kingdom of Parthia; but in the young gentleman Vonon[g] there were presently observed easiness of access, a fair civil deportment and affability, *obvia comitas:* but these virtues being unknown to the Parthians were *nova vitia;* and because they were unknown to their ancestors, *perinde odium pravis et honestis,* the good and the bad amongst them did equally detest them.

§ 25. 11) Some nations have left their good customs and taken up bad, and have changed their natural reason into unnatural follies, and the basest sins have been very general; and when God warned the Jews to take heed of the manners of their neighbour nations, He enumerates vile lusts which were the national customs for which God affirms that He ejected them from their habitations.

§ 26. 12) Lastly, there is no consent among nations in their customs, nor ever was until a higher principle made a law and tied it on with penalties; such as were conquest, necessity, contract, reputation, decrees of princes, or the laws of God, or of a religion. Νόμος καὶ δίκη ἄνω καὶ κάτω φέρεται διασπώμενα καὶ σπαρασσόμενα[h], and neither nation with nation, nor man with man, nor a man with himself does long agree.

§ 27. Indeed there are some propositions which all the world agrees upon, such as are, the immortality of the soul, and that there is a God. Ταῦτα ὁ Ἕλλην λέγει, καὶ ὁ βάρβαρος λέγει, καὶ ὁ ἠπειρώτης, καὶ ὁ θαλάττιος, καὶ ὁ σοφὸς, καὶ ὁ ἄσοφος[i], 'the Greek and the barbarian, the epirot and the maritime, the wise and the unwise agree in the belief and profession of a God:' but when these things come to manners and customs, they differ infinitely; and as they anciently chose several gods, so they did not agree in the manner of worshipping their gods; some they worshipped by praises, and some by railing, some by giving sacrifice, some by throwing stones[j];

[e] [In vit. Caracall., cap. x.]
[f] [Annal., lib. ii. cap. 2.]
[g] ['Vonones,'—Tacit., loc. cit.]
[h] Maxim. Tyr. [dissert. xvii. § 4. part. i. p. 316.]
[i] [ibid., p. 317.]
[j] [Mercury,—see vol. viii. p. 158.]

and so it was in other things. Some were observant of their parents, and some knocked them on the head with clubs when they came to a certain age, as is to be seen in Ælian; and even in the taking care and educating their children, in which nature seems most to have made a law, and signified it with the consent of nations, yet even in this also there was variety, and no universal law naturally established. For some nursed their children, and some did not; sometimes they were left to their mothers without any provision made by their fathers; sometimes the fathers took them from their mothers, but however, yet this cannot be properly derived from a *jus gentium*, for if it be a right or a law at all, it is a *lex singulorum*, it belongs to single persons and to families, and is common to man and beast, and hath a necessity in nature, as it is necessary to eat or sleep, and is as necessary to families as the other are to single persons, but where there is a necessity, there needs no law, and cannot properly be any.

§ 28. From all which I conclude that the *jus gentium*, the law of nations, is no indication of the law of nature; neither indeed is there any *jus gentium* collectively at all, but only the distinct laws of several nations[k]; and therefore it is to be taken distributively; for they are united only by contract, or imitation, by fear, or neighbourhood, or necessity, or any other accident which I have mentioned. And in those things in which they have agreed tacitly, or expressly, they have no obligation but what they bring upon themselves, as penalties, forfeitures, obloquies, and the like; which they as easily shake off when they have power, and when it is for their profit; and we see it in those who have killed heralds or ministers of peace and of religion, which we say commonly is against the law of nations; that is, it is against the custom of them, because to do so is to no purpose, a spleenish ineffective malice; and therefore although of no usefulness, and consequently seldom done, yet it hath been sometimes, and no punishment follows, and therefore it is no law.

§ 29. Now that this opinion may not wholly seem new, I find something of it affirmed by Constantinus Harmenopulus[l], ἐθνικὸς δὲ νόμος ἐστὶν ᾧτινι ἔθνος ἓν, ἢ ἔθνη χρῶνται τινά· 'the law of nations is that which one or more nations use;' and he instances in not marrying their nearest kindred, amongst the Greeks and *Saurœ* (*Sarmatæ* I suppose[m]), or else to marry them as the Persians use. But this only, where it happens that nations do consent in great proportions, it confirms our assent to the law, and publishes its being natural, in case that of itself it be so.

PROMPTED BY REASON.

§ 30. Cicero[n] defines the law of nature to be, *Vera ratio naturæ congruens, diffusa in omnes, constans, sempiterna;* 'that right reason which is consonant to nature, which is in every one always and the

[k] See the preface to the 'Great Exemplar,' n. 22, 3. [vol. ii. pp. 19, 20.]

[l] Lib. i. tit. 1. Prochir. [p. 18, ed. 4to. Gen. 1587.]

[m] [So Mercer ad loc.]

[n] Lib. de Repub. [iii. cap. 17.]

same,' that is the law of nature. So he, and from him Lactantius[n]; but that is not exactly true. Right reason is the instrument of using the law of nature, and is that by which together with the conscience (which is also reason) we are determined to a choice and prosecution of it ourselves, or to a willingness of obeying the obliging power. Τοὺς θείους νόμους ὑποδέχεται λογισμὸς, καὶ δικαστὴς ἄγρυπνος γίνεται· 'reason entertains the divine laws (of nature), and so is made a most vigilant judge,' said Hierocles[o]. This is that which distinguishes us from beasts, and makes us capable of laws.

——————— Separat hæc nos
A grege mutorum, atque ideo venerabile soli
Sortiti ingenium, divinorumque capaces,
Atque exercendis capiendisque artibus apti,
Sensum a cœlesti demissum traximus arce[p].

But reason is not the law, or its measure; neither can any man be sure that any thing is a law of nature, because it seems to him hugely reasonable, neither if it be so indeed, is it therefore a law. For it is very reasonable that every man should choose his own wife, because his interest is the greatest: that every man should suffer as much evil as he does: that a man be not punished for evils that he cannot help: that every man should suffer for his own fault, and no man for the fault of another; and yet these are not laws in all places where they are reasonable. Pythagoras in Laertius[q] said that which was very reasonable: *Plantæ mansuetæ non nocendum, veluti neque animali quod non noceat hominibus:* 'a man may not hurt a gentle and a sweet plant, much less, a harmless and a profitable beast.' Truly, it is unreasonable a man should, but if he does, he breaks no law by the mere doing such an action. For reason can demonstrate, and it can persuade and invite, but not compel any thing but assent, not obedience, and therefore it is no law.

§ 31. But besides this, reason is such a box of quicksilver that it abides no where; it dwells in no settled mansion; it is like a dove's neck, or a changeable taffata; it looks to me otherwise than to you who do not stand in the same light that I do; and if we enquire after the law of nature by the rules of our reason, we shall be uncertain as the discourses of the people, or the dreams of disturbed fancies. For some having (as Lucian[r] calls it) weighed reasons in a pair of scales thought them so even, that they concluded no truth to be in the reasonings of men; or if there be, they knew not on which side it stood, and then it is as if it were not at all; these were the sceptics: and when Varro[s] reckoned two hundred and eighty-eight opinions concerning the chiefest good or end of mankind, that were entertained by the wisest and the most learned part of mankind, it is

[n] [Inst. div., lib. vi. cap. 8. tom. i. p. 451.]
[o] [In Pythag. carm. aur., p. 154.]
[p] Juven., Sat. [xv. 142.]
[q] [lib. viii. cap. 19. § 23.]
[r] [Vit. auct., cap. xxvii. tom. iii. p. 125.]
[s] [S. Aug. de civ. Dei, lib. xix. cap. 2. tom. vii. col. 543 B.]

His spirit, in all the ages of the world, more or less, by arts of instruction and secret insinuation, by all the ways proportioned to a reasonable nature; till from an inclination it came to a firm persuasion, and so to a law: God, in this, ruling in our hearts something after the manner by which He reigns in heaven, even by significations of what is fit, by inspirations and congenite notices, by natural necessities: but this thing was yet no law till God also had signified it to men, after the manner of men, that is, by discourse and human communications, by something that taught them and obliged them.

§ 35. The sense of this is, that religion is the first and greatest bond of laws; and necessity is the next; for though many times it prevails more than religion, yet it is not always incumbent, and that which is necessary to society, is inconvenient in some cases, and when power comes in, and need goes out, there is nothing which can make or continue the law: and it were impossible that all the world should acknowledge any lawgiver but God; for nothing else could be greater than all mankind, nor be trusted in all cases, nor feared but He alone. And therefore the heathen princes when they gave their laws, gave them in the name of a deity. So Numa, Lycurgus, and others; which was not a design to scare fools and credulous people, but in some instances (excepting only that they named a false god) was a real truth; that is, in all those things which commanded natural justice, honesty and decencies: for these were really the laws of the true God.

§ 36. For the law of nature is nothing but the law of God given to mankind for the conservation of his nature and the promotion of his perfective end: a law of which a man sees a reason and feels a necessity. God is the lawgiver, practical reason or conscience is the record; but revelation and express declaring it was the first publication and emission of it, and till then it had not all the solemnities of law, though it was passed in the court, and decreed and recorded.

§ 37. And this is the perfect meaning of those words of S. Paul, "but for the law I had not known sin[c];" that is, although by natural reason and the customs of the world I had or might have reasons to dislike many actions; yet till the law declared it I could not call any thing a sin, and if S. Paul could not, neither could the gentiles: their nature was alike, and S. Paul had advantage in education, and yet his nature could not instruct him in the names and differences of good and evil; therefore neither could the gentiles know it merely by nature. But yet a man may become a law unto himself: so S. Paul observes of the gentiles[d], who "not having a law do by nature the things contained in the law, and so become a law unto themselves." So does every man who believes any thing to be necessary, though it be not so; yet 'he becomes a law to himself,' because by his conscience and persuasion he makes to himself a law or obligation: much more might the gentiles do so, in whose nature the aptnesses to justice and disposition to laws were concreated with their understandings.

[c] [Rom. vii. 7.] [d] [Rom. ii. 14.]

Well might they 'become a law unto themselves' in these natural instances; for if opinion can make a law to ourselves in an unlawful matter, much more may it do so in a matter that is so agreeable to our nature, so fitting, so useful, so prepared to become a law, that it wants only the life of authority, sanction and publication: but though the gentiles became a law unto themselves by this means, yet their natural reason was not yet framed into a law, till God's authority, either by His express declaration, or by the conscience of the man, that is, directly or indirectly did intervene; *testimonium reddente conscientia*, so S. Paul, 'their conscience bearing witness;' for either God published these laws by express declaration and voices, or else by imprinting upon the conscience such fears and opinions that passed upon the man the reverence and obligation of laws. In both these there was variety, though in the latter there was amongst the better sort of men a more regular and universal influence and effect: and although it is very probable that all the measures of justice and natural laws of honesty were expressly published to the patriarchs of the great families of the world, yet when some of the posterity lost their tradition, these laws were maintained by more imperfect relations, and kept up by fears and secret opinions which the Spirit of God, who is never wanting to men in things necessary, was pleased in His love to mankind to put into the hearts of men, that men might be governed by instruments which would not fail.

Thus S. Hierome[e] affirms that Pharaoh knew his sins by the law of nature: and of this it was that Tertullian[f] affirmed, *Ante legem Moysi scriptam* [*in tabulis lapideis, legem fuisse contendo non scriptam,*] *quæ naturaliter intelligebatur et a patribus custodiebatur; nam unde Noe justus inventus est si non illum naturalis legis justitia præcedebat? unde Abraham amicus Dei deputatus, si non de æquitate et justitia legis naturalis?* by this the fathers lived, by this Noah was 'found just,' and Abraham 'the friend of God:' for this though not written in tables of stone, yet it was written in the tables of their hearts; that is, it was by God so imprinted in their consciences that they were by it sufficiently instructed how to walk and please God; and this is that which was said by Antigonus[g] in Sophocles[h], and which Apollonius did use against the edict of Nero[i].

Οὐ γάρ τί μοι Ζεὺς ἦν ὁ κηρύξας τάδε,
οὐδ' ἡ ξύνοικος τῶν κάτω θεῶν δίκη,
οἳ τοὐσδ' ἐν ἀνθρώποισιν ὥρισαν νόμους.
οὐδὲ σθένειν τοσοῦτον ᾠόμην τὰ σὰ
κηρύγματ' ὥστ' ἄγραπτα κἀσφαλῆ θεῶν
νόμιμα δύνασθαι θνητὸν ὄνθ' ὑπερδραμεῖν.
οὐ γάρ τι νῦν γε κἀχθὲς ἀλλ' ἀεί ποτε
ζῇ ταῦτα, κοὐδεὶς οἶδεν ἐξ ὅτου 'φάνη.

'This is a thing which neither heaven nor hell hath taught by any

[e] Ad Algas., epist. cli. [tom. iv. part. i. col. 201.]
[f] Advers. Judæos, cap. ii. [p. 184 D.]
[g] [Lege 'Antigone.']
[h] [Antig., 450.]
[i] [Philostr. vit. Apollon., lib. iv. cap. 12. fin.]

new or express sanction, for God hath given us other laws. But never did I think that thy commands could ever prevail so, that it could be possible that thou being a mortal man should prevaricate the unwritten and potent laws of God: for these laws are not of to-day or yesterday, but they are eternal, and their principle is secret, and from within.'

§ 39. And therefore Philo says[j], the law of nature is a law *ὑπ' ἀθανάτου φύσεως ἐν ἀθανάτῳ διανοίᾳ τυπωθεὶς*, 'engraven in an immortal understanding by an immortal nature.' In this whole affair, God is as the sun, and the conscience as the eye: or else God or some angel from Him being the *intellectus agens* did inform our reason, supplying the place of natural faculties and being a continual monitor (as the Jews generally believe, and some Christians, especially about three or four ages since): which Adam de Marisco[k] was wont to call 'Helias his crow:' something flying from heaven with provisions for our needs. And the Gloss and Gulielmus Parisiensis[l], and before them Maimonides, from whom I suppose they had it, affirm this to be the meaning of David in the fourth psalm[m], "Offer the sacrifice of righteousness;" it follows *Quis monstrabit*, 'who will shew us any good?' who will tell us what is justice, and declare the measures of good and evil? He answers, *Signatum est super nos lumen vultus tui Domine*, 'Thou hast consigned the light of Thy countenance upon us,' *ut scilicet*, as it is in another psalm[n], *in lumine tuo videamus lumen*, 'that in Thy light we may see light.'

§ 40. The effect of all which is this only, that God is our lawgiver, and hath made our hearts to be the tables of the laws of nature, that they might always be there under our eye, legible and clear. It is not a law for being placed there; but God first made or decreed it to be a law, and then placed it there for use and promulgation: and although very many men and nations had no entercourse with God as a lawgiver but what they have by the means of their conscience, that is, they never heard God speak, had no prophets, no revelation, and have forgot the tradition of their fathers; yet when God by ways undiscernible hath written a proposition there, and that the man does believe any thing to be good or evil, it is true that God is his lawgiver, because He only is Lord of his conscience: but it is also true that 'he becomes a law unto himself:' that is, he becomes obliged to God by the act of his own conscience; and however it be that his conscience be wrought upon, though by a fancy or a fear, a sad sight or a casual discourse, if it works the conscience into the notice and obedience of a natural law, the meaner the instrument is the greater is the efficacy of the principal agent. The putting it into the conscience is a sufficient promulgation of the law, however that be done; but nature alone never does it. The express voice of God, tradition,

[j] ['Liber quisquis virtuti studet,' tom. ii. p. 452, ed. Mangey.]

[k] [Apud Roger. Bacon., in lib. MS. de scientiarum utilitate,—Selden. de jur. nat. et gent., lib. i. cap. 9.]

[l] [De leg., cap. xxviii. p. 97.]

[m] [Cf. Selden., ibid.]

[n] [Ps. xxxvi. 9.]

prophets, contract, providence, education, and all sorts of influence from God, and entercourse with man, have their portion in this effect. And when wise men say, This is naturally understood; it must mean thus, Naturally men find it reasonable, but not naturally to be a law; naturally they consent to it, but not naturally find it out; or, naturally we may be instructed but not naturally bound: but when God changes science into conscience, then He makes that which is reasonable to become a law.

§ 41. But first or last, this way or another, it became a law only by the authority and proper sanction of God; God is the author of our nature and made a law fit for it, and sent the principles of that law together with it: not that whatsoever is in nature or reason is therefore a law because it is reasonable or because it is natural; but that God took so much of prime reason as would make us good and happy, and established it into a law; which became and was called the law of nature both because 1) these laws are *in materia naturali*, that is, concerning the good which refers to the prime necessities of nature; and also because 2) being divine in respect of the author, the principles of this law are natural in respect of the time of their institution being together with our nature: though they were drawn out by God severally in several periods of the world, who made them laws actually by His command, which in nature are so only by disposition.

§ 42. This latter reason is given by Alphonsus a Castro[o] and by Wesenbech[p]: the former is insinuated by Mynsinger[q] defining the law of nature to be *quod natura, atque adeo Deus ipse omnes homines in creatione, prima quædam præcepta et formulas honestatis docuit.* But the latter of them I say is true only of such as are the prime laws or rather rules of nature, and the general measures of virtue and vice. But as for the particular laws of nature (which only are properly to be called laws) we are to look for no other system or collective body of them, but the express declared laws of God which concern morality, that is, all that are given to all mankind without relation to any one period: such is the moral law of the Jews, and such is the religion of the Christians; that less perfect, this more perfect and entire; for these in their several proportions are such which are generally for all mankind; and upon this account it is affirmed by Gratian[r], *jus naturale esse quod in lege et evangelio continetur*, 'the law of nature is that which is contained in the law and the gospel': which saying he had from Isidore[s].

§ 43. It is necessary that this be rightly understood, because it establishes many certainties in the matter of conscience, and eases us of the trouble of finding out a particular system of natural laws, the enquiry after which hath caused many disputes in the world, and pro-

[o] [De potest. leg. pœnal., lib. i. cap. 2. col. 1524, 5.]

[p] [In Digest., lib. i. tit. i. § 15. p. 11. ed. 4to. Amst. 1665.]

[q] [In institt. Justin., lib. i. tit. ii. p. 8. ed. fol. Bas. 1584.]

[r] Dist. i. in princ. [col. 1.]

[s] [vid. etymol., lib. v. cap. 3. tom. iii. p. 192.]

duced no certainty. It is all εὕρημα καὶ δῶρον θεοῦ[t], νόμος καὶ λόγος, ὀρθὸς λόγος, Διὸς θεσμὸς[u], as the Platonists call it, νόμος νοῦ διανομὴ[v], 'the word of God is the law, a right rule or sentence, and divine law, a law that is the distribution of the mind of God;' and under this come all the precepts of christianity: which was well summed up by him who gave this account of the religion, and the religious that are of it, saying they are *homines conspirantes in communem utilitatem;* and that they mutually make and give σύμβολα περὶ τοῦ μὴ ἀδικεῖν, εἰς τὸ μὴ βλάπτειν ἀλλήλους μηδὲ βλάπτεσθαι[w], 'symbols and sacraments to each other, that none shall do or receive injury:' 'men conspiring for the good of others:' or as the Roman soldier was told[x], 'they are men whose profession is to do hurt to no man, and to do good to every man:' and this is the integral design of the law of nature so far as it can relate to human entercourse.

§ 44. Νόμος καὶ λόγος· so Christ is called by S. Peter and the Greek fathers[y], he is the 'word of the Father,' and 'the law;' and it is remarkable, this word or law of the Father was the instrument of teaching mankind in all periods of the world. He taught the law of nature to all men, and renewed it, and made several manifestations and manners, and at last appeared in the form of a man, and made a perfect body of it to last as long as our nature lasts, and as long as this world and His kingdom abides. When God spake to Adam, to the patriarchs, to the prophets, still He spake by Christ, who was the angel of the Old testament, and the mediator of the New. He is therefore *verbum Patris;* by Him He signified His laws and righteous commandments, and the law was given ἐν χερσὶ μεσίτου[z], 'in the hands,' that is, by the ministry, 'of the Mediator, who is one, that is, Jesus Christ;' and this Tertullian[a] affirms,—*Christus semper egit in Dei Patris nomine; ipse ab initio conversatus est, et congressus cum patriarchis et prophetis:* and again[b], *Christus ad colloquia semper descendit, ab Adam usque ad patriarchas et prophetas, in visione, in somnio, in speculo, in ænigmate, ordinem suum præstruens ab initio semper: ... et Deus in terris cum hominibus conversari, non alius potuit quam sermo qui caro erat futurus;* 'Christ in all ages spake to men in the person of His Father, being from the beginning the Word of the Father, which was to be incarnate.' The same also is to be read in Justin Martyr[c] against Tryphon the Jew: 'Christ therefore was the preacher of this righteousness, and at last revealed all His Father's will, which should never receive any further addition, diminution or alteration.' The *novellæ constitutiones,* the enlargements and explications made by our blessed Lord, together with the repetition

[t] [Demosth., orat. xxv. tom. ii. p. 809.]
[u] [Dio Chrys., orat. lxxx. t. ii. p. 438.]
[v] [Procl. in theol. Platon., lib. v. cap. 9. p. 263. ed. fol. Hamb. 1618.]
[w] [Epicur., apud Diog. Laert., lib. x. § 150.]
[x] [Cf. Just. Mart. ad Diognet., cap. v. p. 236; Tertull. apol., capp. xxxi., xxxii. pp. 27, 8; ad Scap., cap. i. p. 69.]
[y] [Clem. Alex. strom., lib. i. cap. 29. p. 427, lib. ii. cap. 15. p. 465, excerpt. prophet., cap. 58. p. 1004.]
[z] [vid. Gal. iii. 19.]
[a] Adv. Marc., l. ii. [c. xxvii. p. 395 D.]
[b] Adv. Praxeam. [cap. xvi. p. 509 D.]
[c] [cap. lxvii. p. 164.]

of the old, that is, the christian law, is the perfect code and digest of the natural law. For they all rely upon the fundamental relations between God and us, and the natural entercourse between man and man, and the original necessities and perfective appetites of our own nature.

§ 45. But here it will be necessary to clear that great objection which will be pretended against this doctrine. For since christian religion is new in respect of nature, and superinduced some things upon nature, and rescinded some of her rights, and restrained her liberty, it will seem impossible that christian religion should be a collected body of the laws of nature; because the law of nature is prime and eternal, which christian religion seems not to be. Now to this I answer, first,

§ 46. That it is evident that all that which any men call the laws of nature is actually contained in the books of the New testament. S. Austin, Hugo de S. Victore, and Alexander, say the law of nature hath but these two precepts, 1) do as you will be done to; and 2) do not that which you would not have done to yourself. Isidore reckons into the laws of nature, 1) conjunction of male and female, 2) education, and 3) succession of children, 4) common possessions, and 5) common liberty, and 6) acquisition of things in air, earth, and sea, 7) restoring the thing that is intrusted, 8) repelling force by force. These are rights of nature, and natural states or actions, but not laws. There are some laws concerning these things, but they also are in the New testament. Cicero[d] reckoned, 1) religion, 2) piety, 3) thankfulness, 4) vindication of injuries, 5) observance of superiors, 6) to speak truth. The lawyers reckon otherwise: the laws of nature are these, 1) to worship God, 2) to live honestly, 3) to obey superiors, kings, parents, &c., 4) to hurt no man, 5) to give every one their own, 6) common use of things as far as it may be, and where it may not, then 7) dominion, and 8) propriety enter, 9) to take away evil doers from among men. And if we observe but the precepts of nature (for they had no other light which we know of) which are reckoned by Hesiod, Pythagoras, Theognis, Phocylides, Epictetus, Cato, Publianus, and Seneca, we shall find that they reckon many minute counsels which are derived from natural principles, but yet stand far off from the fountain: and some which they derive from the rights of nature, not from her laws, but indeed are directly contrary.

——— Semper tibi proximus esto.

So Cato[e], and

Qui simulat verbis, nec corde est fidus amicus;
Tu quoque fac simules, sic ars deluditur arte[f].

And that of Cicero[g], *vindicationem esse honestam*, 'revenge is justice.' By their own reason men took their aim at the precepts and laws of nature, but their reason being imperfect and abused it was not likely

[d] [De invent., lib. ii. capp. 22, 53.]
[e] [Moralia, distich. xl.]
[f] [distich. xxv.]
[g] [ubi supra..]

they could be exact: none but the wisdom of the Father could do it perfectly. Thus they can never agree in their enumeration of the natural laws: but it is certain that so many of these as are laws, and bound upon us by God, are set down in the scriptures of the New testament; for it is not a law of nature unless God have commanded it to us in or by or with nature and natural reason. Now it is certain that Christ told us all His Father's will, and the apostles taught all that to the church which Christ taught to them; and therefore what is not in their doctrine is not in nature's law, that is, it is no part of the law of God: and if it be certain that he that lives according to the law of Christ does please God and do all his duty, then it follows that either there is no such thing as that which we call the law of nature, and no obligation from thence, and no measures of good and evil there; or if there be, it is also part of the christian man's duty, and expressed and taught by the master and Lord of the Christians. All that is essentially good is there; all that by which the world can be made happy is there; all that which concerns every man's duty is there; all the instruments of felicity, and the conveyance of our great hopes is there; and what other potentiality there can be in the law of nature than what I have reckoned now, I neither have been taught by any man else, neither can I myself imagine or understand. Here are the general propositions which are the form, and make the honesty and the justice of all the particular laws of nature; and what is not there provided for by special provision, or by general reason and analogy, is wholly permitted to human laws and contracts, or to liberty and indifferency, that is, where the laws of nature cease, there the rights of nature return.

§ 47. But secondly, to the objection I answer, that it will be but weakness to think that all the instances of the law of nature must be as prime as nature herself: for they neither are so prime nor so lasting, but are alterable by God and by men, and may be made more, or fewer, or other.

§ 48. This may seem new, and indeed is unusual in the manner of speaking; but the case is evident and empirically certain. For when God commanded Abraham to kill his son, the Israelites to rob the Egyptians and to run away with their goods, He gave them a commandment to break an instance of the natural law: and He made it necessary that Cain should marry with his sister; and all those laws of nature which did suppose liberty and indistinction of possessions are wholly altered when dominions, and servitude, and propriety, came into the world; and the laws of nature which are in peace are not obligatory to other persons in the time of war.

§ 49. For the laws of nature are in many instances relative to certain states, and therefore in their instances and particulars are as alterable as the states themselves; but the reasons indeed on which they do rely (supposing the same or equal circumstances and the matter

unchanged) are eternal and unalterable as the constitution of nature. But therefore it was unwarily said of the learned Hugo Grotius, and of divers others before him, that 'God cannot change the law of nature.' For as S. Paul[b] said of the priesthood; that "it being changed, there must of necessity be a change also of the law," so it is in the law of nature; the matter of it being changed, there must of necessity also be a change in the law: for although the essential reason may be the same in changed instances, yet that hinders not but the law may justly be affirmed to be alterable; just as the law was under the several priesthoods, in both which the obligation is the same, and so is the relation to God, and the natural religion. Thus when rivers are common it is lawful for any man to fish, and unlawful for my neighbour to forbid me; but when rivers are inclosed and made proper, it is unlawful for me to fish, and lawful for the proprietary to forbid me; before the inclosure it was just to do that thing, which afterwards is unjust, and this is as much a change of a particular law as can be imagined. If it be meant, that while the propriety remains, or the state, the law introduced upon that state is unalterable; then there is no more said of the law of nature than of any positive law of God, or the wise law of any prince, which are not to be altered as long as the same case and the same necessity remains; and it would be to no purpose to affirm so of the law of nature, for the sense of it would be, that while things remain as God established them they are unalterable. But if God can disannul the obligation by taking away the matter of the law, or the necessity or the reasonableness, or the obligation (and all this He can do one way or other), it is not safe nor true to say God cannot alter the law of nature. He changed the matter in suffering liberty to pass into servitude; He made necessity in one instance, I mean, in the matter of incest in the case of Cain, and afterwards took it away: He took away the reasonableness of the sanction by changing the case in the subduction or mutation of the matter, and He took off the obligation in the case of Abraham, and of the Israelites robbing their neighbours.

§ 50. And therefore the christian laws superinducing some excellencies and perfections upon human nature, and laying restraint upon the first natural laws, that is, upon such which before this last period of the world were laws of nature, is no hard thing to be understood: God in it used but His own right. And I suppose it will be found to be unreasonable to expound the precepts of the religion by the former measures of nature while she was less perfect, less instructed: but this rather, the former instances of the natural law are passed into the christian precepts, and the natural instance is changed, and the law altered in its material part, the formality of it remaining upon the supposition of a greater reason. Thus to repel force by force is a right of nature, and afterwards it was passed into a law that men might do it; that is, God expressly gave them leave: and although

[b] [Heb. vii. 12.]

it be not properly a law which neither forbids nor commands but only gives a leave, yet when God had[c] forbidden men to do violence, and to establish this law the rather, gave leave to any man that could, to punish his unjust enemy that attempted to do him mischief, it may be called a law in the lesser sense, that is, a decree of the court of heaven by which this became lawful. Though this was passed into a law in the manner now explicated, yet it was with some restraints; which yet were not so great but they left a great liberty which was sufficient security against violence. The restraint which God superinduced upon this right of nature was but *moderamen inculpatæ tutelæ*, it left men defended sufficiently against injuries, though it permitted us to be tried in some lesser instances and unavoidable accidents. But now although christianity hath proceeded in the first method of God, and restrained it yet more, and forbids us to strike him that strikes us, we are not to force this precept into a sense consisting with the former liberty, which we call the law of nature, but was at first only a right of nature or a permissive law, but not obligatory, and afterwards suffered some restraints: for that which suffered some, may suffer more; and as the right of nature was for its being restrained recompensed, in the provisions of laws, and by the hands of justice, taking it from the private into the public hand, so may this right of nature when it is wholly taken from us be recompensed by God's taking the ἐκδίκησις, or the power of avenging our quarrels, into His hands.

§ 51. This right of nature being now almost wholly taken from us, part of it is taken up to God, and part of it is deposited in the hands of the civil power, but we have none of it; only by Christ's laws and graces our nature is more perfect, and morality is set forward, and justice and all our rights are secured; but yet the law is changed. The like may be said in divers other instances, as I shall discourse in their several places: here it is sufficient to have given the first hint of it, and demonstrated the certainty and reasonableness of it, which (as appears by the instances) although it be especially and frequently true in the *jus naturæ* or the permissive law of nature, and in those not only God but men also may make an alteration; yet even in those laws which are directly obligatory, the power of God who made them cannot be denied to be equal in the alteration. And indeed He that can annul nature, can also at least alter her laws, which are consequent to nature and intended only for her preservation.

§ 52. The case seems to be the same with eating and drinking, which God hath made necessary for our life, as justice is to societies: but as He can take away the necessity from this person at this time to eat, and can supply it otherwise; so He can also conserve human society in the mutation of cases and extraordinary contingencies, as well as in the ordinary effects of justice. Indeed God cannot do an unjust thing, because whatsoever He wills or does is

[c] ['hath,'—C, D.]

therefore just because He wills and does it: but His will being the measure of justice, and His providence the disposer of all those events and states of things to which the instances of justice can relate; when He wills an extraordinary case and hath changed the term of the relation, then He hath made that instance which before was unjust, now to become just; and so hath not changed justice into unjustice, but the denomination of the whole action concerning which the law was made is altered from unjust to just, or on the contrary.

§ 53. It is not to be supposed that the whole law of nature can be altered as long as our nature is the same, any more than the fashion of our garments can be generally altered as long as our body is of this shape: and therefore it is not to be thought that he that makes a doublet shall ever make three sleeves unless a man have three arms, or a glove with six fingers for him that hath but five, but many particular laws of nature suffer variety and alteration, according to the changes that are in our nature and in our necessities, or by any measure of man or men which God shall superinduce.

> Duo cum idem faciunt, sæpe ut possis dicere,
> Hoc licet impune facere huic, illi non licet;
> Non quo dissimilis res est, sed quo is qui facit[4].

The rule of nature is always the same, yet one may do what another may not, and sometimes that is lawful which at another is criminal; not because the measure is changeable, but the thing measured suffers variety. So that in effect the sense and extent of truth in this question is this; that although as long as this world lasts and men in it, the law of nature cannot be abrogated, because it is that law which is framed proportionable to man's nature; yet it may be derogated, that is, lessened or enlarged in instances, changed in the integrity of many of its particulars, made relative to several states and new necessities; and this is that which in true speaking does affirm that the laws of nature may be changed. For although there are some propositions and decrees so general, that they are in their nature applicable to all variety of things, and therefore cannot be changed; yet they are rather the foundation of laws than laws themselves: because a law must be mixed with a material part, it must be a direction of actions, and a bond upon persons, which does suppose many things that can be changed; and therefore although the propositions upon which the reasonableness and justice of the law does depend, serves to the contrary instances by analogy and common influence, yet the law being material does not, and therefore is alterable. But of this I shall give a fuller account in the ninth and tenth rules of this chapter. For the present, I observe,

§ 54. The want of considering this hath made difficulty in this question and errors in many. Every natural proposition is not a law; but those antecedent propositions, by the proportions of which laws stand or fall, are the measures of laws. They are rules, not laws:

[4] [Terent. Adelphi, v. 3. 827.]

it be not properly a law which neither forbids nor commands but only gives a leave, yet when God had[c] forbidden men to do violence, and to establish this law the rather, gave leave to any man that could, to punish his unjust enemy that attempted to do him mischief, it may be called a law in the lesser sense, that is, a decree of the court of heaven by which this became lawful. Though this was passed into a law in the manner now explicated, yet it was with some restraints; which yet were not so great but they left a great liberty which was sufficient security against violence. The restraint which God superinduced upon this right of nature was but *moderamen inculpatæ tutelæ*, it left men defended sufficiently against injuries, though it permitted us to be tried in some lesser instances and unavoidable accidents. But now although christianity hath proceeded in the first method of God, and restrained it yet more, and forbids us to strike him that strikes us, we are not to force this precept into a sense consisting with the former liberty, which we call the law of nature, but was at first only a right of nature or a permissive law, but not obligatory, and afterwards suffered some restraints: for that which suffered some, may suffer more; and as the right of nature was for its being restrained recompensed, in the provisions of laws, and by the hands of justice, taking it from the private into the public hand, so may this right of nature when it is wholly taken from us be recompensed by God's taking the ἐκδίκησις, or the power of avenging our quarrels, into His hands.

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The rule of nature is always the same, yet one may do what another may not, and sometimes that is lawful which at another is criminal; not because the measure is changeable, but the thing measured suffers variety. So that in effect the sense and extent of truth in this question is this; that although as long as this world lasts and men in it, the law of nature cannot be abrogated, because it is that law which is framed proportionable to man's nature; yet it may be derogated, that is, lessened or enlarged in instances, changed in the integrity of many of its particulars, made relative to several states and new necessities; and this is that which in true speaking does affirm that the laws of nature may be changed. For although there are some propositions and decrees so general, that they are in their nature applicable to all variety of things, and therefore cannot be changed; yet they are rather the foundation of laws than laws themselves: because a law must be mixed with a material part, it must be a direction of actions, and a bond upon persons, which does suppose many things that can be changed; and therefore although the propositions upon which the reasonableness and justice of the law does depend, serves to the contrary instances by analogy and common influence, yet the law being material does not, and therefore is alterable. But of this I shall give a fuller account in the ninth and tenth rules of this chapter. For the present, I observe,

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[4] [Terent. Adelphi, v. 3. 827.]

and indeed the rules of nature are eternal and unalterable; that is, all those natural and reasonable propositions which are dictates of prime reason, and abstract from all persons and all states and all relations: such as are, God is to be honoured: justice is to be done: contracts are to be affirmed: reason is to be obeyed: good is to be followed, evil to be eschewed; these are the common measures of all laws, and all actions: but these are made laws when they are prescribed to persons, and applied to matter; and when they are, because that matter can have variety, the law also can, though the rule cannot.

§ 55. That we are to restore all that was intrusted to us, is a natural law derived from the rule of doing justice; but this may be derogated and prejudiced without sin. For prescription transfers the possession and disobliges the fiduciary from restitution.

§ 56. By the law of nature relying upon the rule of performing contracts, clandestine marriages are valid and firm; but yet some churches, particularly the church of Rome in the council of Trent, hath pronounced some marriages void which by the rule of nature, and afterwards by a law were rate and legal; particularly clandestine marriages, and marriages not clandestine by the ingress of one of the parties into religion, as is to be seen in the eighth session[e].

§ 57. By the law of nature a testimony under two or three witnesses may stand, but in the case of the accusation of a cardinal deacon in Rome they require the concurrence of seven and twenty, of a cardinal priest sixty-four, of a cardinal bishop seventy and two, and in England one shall serve the turn, if it be for the king. In codicils the civil law requires five witnesses; in testaments there must be seven: when a controversy is concerning the eminency and prelation of excellent persons, fifteen are demanded. But if these things may be prejudiced by men, much more may they be altered by God. But this extends itself a little further: for in some of these instances, that which is a law of nature becomes so inconvenient as to do much evil, and then it is to be estimated by a new rule; and therefore the whole law is changed when it comes to have a new measure, and the analogy of a new reason.

§ 58. Upon the account of these premises it follows, that it is but a weak distinction to affirm some things to be forbidden by God because they are unlawful, and some to be unlawful because they are forbidden. For this last part of the distinction takes in all that is unlawful in the world, and therefore the other is a dead member and may be lopped off. So Ocham[f] affirms against the more common sentence of the schools (as his manner is), *Nullus est actus malus nisi quatenus a Deo prohibitus est, et qui non possit fieri bonus si a Deo præcipiatur, et e converso:* 'every thing is good or bad according as it is commanded or forbidden by God, and no otherwise; for nothing

[e] [Sess. xxiv. cap. 1. col. 150, et can. 6. col. 148.]
[f] 2. q. xix. ad 3 et 4. [In 2 sent. fol. Lugd. 1495.]

is unlawful antecedently to God's commandment.' Sin is a transgression of some law, and this law must be made by a superior, and there is no superior but who depends on God, and therefore His law is its measure. There are some things good which God hath not commanded; but then they are such which He hath commanded by counsels, or analogies and proportions. But whatsoever is a sin, is so therefore because it is forbidden, and without such a prohibition, although it might be unreasonable, yet it cannot be criminal or unjust. Since therefore all measures of good and evil in the entercourses of men wholly rely upon the law of God, and are consequent to His will, although it can never be that we can have leave to be unjust or unchaste, that is, to do against a law in being with all its circumstances, yet the law may be so changed that the whole action which was forbidden may become permitted and innocent, and that which was permitted may become criminal. I instance in the ἀδελφομιξία, or the conjunction of the nearest kindred, which once was lawful and ever since is become criminal.

§ 59. The purpose of this discourse is this, that we look no further for tables of the law of nature, but take in only those precepts which bind us Christians under Christ our lawgiver who hath revealed to us all His Father's will. All the laws of Christ concerning moral actions are the laws of nature: and all the laws of nature which any wise nation ever reckoned either are taken away by God, or else are commanded by Christ: so that christianity is a perfect system of all the laws of nature, and of all the will of God, that is, of all the obligatory will, of all the commandments. In those things where christianity hath not interposed, we are left to our natural liberty, or a *jus permissivum*, a permission, except where we have restrained ourselves by contract or dedition.

RULE II.

THE LAW OF NATURE IS THE FOUNDATION OF ALL LAWS AND THE MEASURE OF THEIR OBLIGATION.

§ 1. For all good laws and all justice hath the same reasonableness, the same rules and measures; and are therefore good because they are profitable, and are therefore just because they are measured by the common analogies and proportions, and are therefore necessary because they are bound upon us by God mediately or immediately. And therefore Cicero defined virtue to be *perfecta et ad summum perducta natura*[g]; or *habitus animi naturæ modo rationi consentaneus*[h]; 'the perfection of nature or a habit of mind agreeing

[g] [De legg., lib. i. cap. 8.] [h] [De invent., lib. ii. cap. 53.]

to natural reason.' But more expressly and full in his third book *De legibus*[i]: *Lex est justorum injustorumque distinctio, ad illam antiquissimam et rerum omnium principem expressa naturam, ad quam leges hominum diriguntur, quæ supplicio improbos afficiunt, defendunt ac tuentur bonos:* 'a law is the distinction of good and bad, of just and unjust, expressed or fitted to nature, which is the fruit and the prince of all, and to which human laws are directed for the punishment of evil doers, and the defence of the good.' And it is evident in all the moral precepts of christianity: all which are so agreeable to a man's felicity and state of things to which a man is designed both here and hereafter, that a man cannot be happy without them; and therefore they all rely upon some prime natural reason, which reason although possibly some or all of it was discovered to us by revelation and the wise proper discourses of the religion, and was not generally known to men before Christ, yet the reasons are nothing but consonancies to our state and being, introductive of felicity, perfective of our nature, wise and prudent and noble, and such which abstracting from the rewards hereafter are infinitely eligible, and to be preferred for temporal regards before their contraries.

§ 2. Add to this, they are such which some few the wisest of the heathens did teach by natural reason, for aught we know. And there is a proportion of this truth also in all the wise laws of commonwealths: the reasons of which are nothing but the proportions of nature, and the prime propositions of justice, common utility and natural necessity. And therefore supposing that every civil constitution supplies the material parts or the instance, every civil law is nothing but a particular of the natural law in respect of its formality, reasonableness and obligation. And all laws of manners are laws of nature: for there can be but one justice, and the same honesty and common utility in the world; and as a particular reason is contained in the universal, so is the particular profit in the public. *Saluti civium prospexit qua intelligebat contineri suam,* said Torquatus in Cicero, and so it is in laws. In the observation of the laws of nature the good of every society and every private person is comprised: and there is no other difference in it, but that in every civil constitution there is something superadded, not to the reasonableness or justice, but it is invested with a body of action and circumstances. *Jus civile est quod neque in totum a naturali vel gentium recedit, nec per omnia ei servit; itaque cum aliquid addimus vel detrahimus juri communi, jus proprium, id est, civile efficimus;* said Justinian[k]: 'the civil law neither does wholly recede from the law of nature and nations, neither does it wholly serve it: for when any thing is added or detracted from the natural law it becomes the civil:' and another, *leges positivæ repetunt jus naturæ, quum leges sive pactiones quæ sunt jura attingunt utilitatem et scopum naturæ;* 'the positive laws of a commonwealth

[i] [lib. ii. cap. 5.] [k] Lib. vi. ff. de justit. et jure. [Digest., lib. i. tit. 1. col. 2.]

repeat the law of nature, when laws and covenants do promote the profit and the design of nature.'

§ 3. But from hence it follows that the law of nature is the only rule and measure of all laws, and superinduced laws of God and man are but instances of obedience in those general precepts of nature: and since the law of christianity contains in it all the law of nature, and is now the only law that can oblige us primarily, and others in virtue of it; it is the prime and adequate rule and measure of conscience, and the explication of all its precepts will be a full institution of the conscience; to which purpose that saying of Lælius in Cicero[1] is very pertinent, *Viros bonos appellandos esse putamus qui assequuntur quantum homines possunt naturam optimam recte vivendi ducem;* 'nature is the best guide and measure of living well; and they who exactly observe her measures as far as men can, are to be called good men.'

RULE III.

THE FIRST AND GREATEST BAND OF THE LAW OF NATURE IS FEAR OF PUNISHMENT.

I HAVE already spoken of this as it is the act and effect of conscience; here I am to speak of it more abstractedly, and as itself hath effect upon human actions; there as it is the minister of the judge, here as it is the sanction of the law.

§ 1. *Omne malum aut timore aut pudore natura suffudit,* said Tertullian[m]; 'fear and shame are the waiters and handmaids of every sin which nature hath provided for it.' And indeed fear is the band of all laws: for although there is a pravity in the nature of injustice which natural reason hates, proceeding partly from the deficiency from the perfective end of nature and societies, which is injustice; partly from the consequent obloquy and disreputation which all wise men and all talking people put upon it (for they that do it themselves speak ill of it in others); yet this is but a little. This is a part of the punishment of the breach of the natural law, but not strong enough to make a firm obligation. Now in all laws there must be some penalty annexed, the fear of which may be able to restrain men from doing against the law; which cannot be unless the evil be greater than the benefit or pleasure of the prevarication can be: and therefore it is that God establishing this law hath appointed a court within us, a severe judge who will not spare, a wise discerner who will not

[1] De amicit. [cap. v.]

[m] Apolog., cap. i. [p. 2 C.]

be deceived, an exact remembrancer which never forgets any thing that can do the greatest mischiefs, a just witness who will not be suborned, and is conscious and privy to all that which he is to judge; and the same also is the executioner of the delinquent and sinning people.

§ 2. The stings of conscience and fear of the divine vengeance, is this evil which naturally restrains us: it is the greatest restraint, because it is the greatest of evils; and it is unavoidable, and it is natural. I will not add it is lawful to abstain from evil for fear of punishment, but it is necessary, and it is natural, and that is more; and this is it which Epicurus[n] taught, *οὐκ ἄλλῳ τινὶ τῆς ἀδικίας δεῖν ἀπείργειν, ἢ φόβῳ κολάσεων·* which although Plutarch[o] seems angry at, was well enough spoken by him; meaning that it is a fear not of temporal discovery and civil punishment, which is only appointed to restrain evil actions, but a fear of those evils whose apprehension God hath made necessary and congenite with the nature of man; fear of God's displeasure, and the destruction of our nature and felicities relying upon that natural love of ourselves and desire of our own preservation, without which a man cannot be supposed sufficiently provided with principles of necessary being and providence.

§ 3. There is another kind of fear of punishment, that is, a fear of those auxiliary punishments which princes and republics have superadded to the breakers of natural laws, which is in some men who are despisers of all the evils which are threatened hereafter. Such as was that of Thrasymachus[p] in Plato; *Nihil esse melius quam facere injuriam neque pœnas dare, nihil pejus quam pati nec posse ulcisci; medio autem modo se habere justitiam, cum quis nec facit nec patitur, quod ut fiat, esse optabile; sed nempe imbecillibus quorum proinde interest pacisci aut servare pacta, non autem valentioribus, qui si viri fuerint ac sapuerint, nullatenus pactum de injuria non inferenda accipiendave sint inituri:* 'nothing is better than to do injury without punishment, nothing worse than to suffer mischief and to be able to do none again; in the midst of these is justice, which neither does injury, nor receives any, which is much to be desired; but by whom? by none but by weak people; for the stronger, if they be valiant and wise, will never enter into covenants concerning not doing or receiving injury.' According to this doctrine, there should be nothing of itself just or unjust, and if there were, it were not to be regarded, but so long as justice were profitable, and injustice troublesome and dangerous. And therefore strong men or crafty might in many cases be exempt from contracts and from doing justice, and would neither do right, nor take wrong.

§ 4. Against this it is that all wise men in the world do speak. *Vos autem nisi ad populares auras inanesque rumores recta facere*

[n] [Apud Plutarch., 'Non posse suaviter vivi secundum Epicurum,' tom. x. p. 542.]

[o] [ibid.]

[p] De repub. [lib. ii. tom. vi. p. 333.]

nescitis; et relicta conscientiæ virtutisque præstantia de alienis præmia sermunculis postulatis, said Boetius[q], in indignation against all those who took accounts of themselves by public noises, not by the testimonies of a just conscience, that is, who fear man but do not fear God. And to do good out of fear of punishment (in this sense) is to do good no longer than I am observed, and no longer than I am constrained: from both which because very many men are very often freed, and all men sometimes, there would be no habit, no will, no love of justice in the world: that is, there would be no virtue of justice, but single actions as it could happen. This would introduce horrid tyrannies, while princes and generals having power in their hands might do all things as they pleased, and have no measure but their own private: and all men's conditions under them would be always precarious and arbitrary, and most commonly intolerable. And therefore this fear is the characterism of evil persons.

Oderunt peccare mali formidine pœnæ[r].

and against such civil laws are made: *justis lex non est posita*, saith S. Paul[s], 'the law is not made for the righteous, but for the wicked.' If the sons of Israel had continued pious as Abraham, Isaac, and Jacob were, the law should not have been given to them as it was upon mount Sinai; but the necessities of men brought a law upon them, and that law a punishment, while good men *ποιοῦσιν ἑκουσίως ἃ ποιοῦσιν ἄκοντες οἱ λοιποὶ διὰ τὸν νόμον*, as Xenocrates in Laertius[t] said of the philosophers; they do it

Sponte sua, veterisque Dei se more tenentes[u]:

for the love of God; by choice and delight in the actions of virtue they do excellent things, *plusque ibi boni mores valent quam alibi bonæ leges*, as Tacitus[x] said of the old Germans, 'good manners prevailed more than good laws.' Thus did the patriarchs, and therefore they need not a law. *Vetustissimi mortalium nulla adhuc mala libidine, sine probro, scelere, eoque sine pœna et coercitionibus agebant: neque præmiis opus erat, cum honesta suopte ingenio petcrentur: et ubi nihil contra morem cuperent, nihil per metum vetabantur*[y]: our forefathers desired nothing against honesty and justice, and therefore were not forbidden any thing by the instrument of fear.

§ 5. But therefore the civil and positive law is not made for all those men who have other restraints; that is, for good men who are moved by better principles; but because these things that are better are despised by the vicious and the tyrants, oppressors and the impudent, the civil power hath taken a sword to transfix the criminal and to kill the crime. And therefore Epicurus in Stobæus[z] said not amiss, 'Laws were made for wise men, not for fear they should do ill, but lest they should suffer evil from the unjust.'

[q] De consol. philosoph. [lib. ii. pros. 7.]
[r] [vid. Horat., epist. i. 16. 52.]
[s] [1 Tim. i. 9.]
[t] [Lege Plut. de virt. moral., t. vi. p. 755.]
[u] [Æneid. vii. 204.]
[x] [German., cap. xix.]
[y] Tac. Annal., iii. [26.]
[z] [Floril., xliii. 139.]

§ 6. And yet even the wise and the good men have a fear in them which is an instrument of justice and religion; but it is a fear of God, not of the secular judge; it is a fear that is natural, a fear produced from the congenite notices of things; and the fear of doing a base thing; a fear to be a fool, and an evil person.

Mi natura dedit leges a sanguine ductas,
Ne possem melior judicis esse metu.

said Cornelia in Propertius[a]. A good man will abstain from all unrighteous things, though he be sure that no man should hear or see any thing of it: that is, though there were no laws, and superinduced punishments in republics: and all this upon the account of such a fear which a good man ought to have; fear of being a base person or doing vile things.

——— imposito teneræ custode puellæ
Nil agis: ingenio quæque tuenda suo.
Si qua metu dempto casta est, ea denique casta est;
Quæ quia non liceat non facit, illa facit[b].

That chastity is the noblest which is not constrained by spies and severity, by laws and jealousy; when the mind is secretly restrained, then the virtue is secured. Cicero[c] puts a case to Torquatus, *Si te amicus tuus moriens rogaverit ut hæreditatem reddas suæ filiæ, nec usquam id scripserit, ut scripsit Fadius, nec cuiquam dixerit, quid facies?* Aruncanus dies and leaves his inheritance to his daughter Posthumia, and intrusts his friend Torquatus with it, but privately, without witness, without consignation of tables: will Torquatus who is a feoffee in private trust restore this to the child when she shall be capable: yes, Torquatus will, and Epicurus will, and yet Cicero had scarce a good word for him, whom he hath fondly disgraced during all ages of the world, weakly and unjustly. But the account he gives of it is pertinent to the rule: *Nonne intelligis eo majorem vim esse naturæ, quod ipsi vos qui omnia ad vestrum commodum, et ut ipsi dicitis ad voluptatem referatis, tamen ea faciatis e quibus appareat, non voluptatem vos, sed officium sequi, plusque rectam naturam quam rationem pravam valere:* 'nature is more prevalent than interest; and sober men though they pretend to do things for their real advantage and pleasure, yet follow their duty rather than either pleasure or profit, and right nature rather than evil principles.

§ 7. The reason of this is, because nature carries fear and reverence in the retinue of all her laws, and the evils which are consequent to the breach of natural laws are really and by wise men so understood to be greater mischiefs than the want of profit, or the missing of pleasure, or the feeling the rods and axes of the prince. If there were no more in a crime than the disorder of nature, the very unnaturalness itself were a very great matter. S. Basil[d] said well, *Ad*

[a] [Eleg. iv. 11, 47.]
[b] Ovid. Eleg. [iii. 4. 1.]
[c] [De fin., lib. ii. cap. 18.]
[d] Reg. fusior., interr. ii. [tom. ii. p. 336.]

omnia quæ descripta a nobis, a Deo præcepta sunt, consequenda, naturales ab ipso facultates accepimus. God hath given to virtues natural organs, or bodily instruments; as to mercy He appointed bowels, eyes for pity, hands for relief; and the proper employment of these is so perfective of a man's condition (according to their proportion) that not to employ them according to the purpose of nature is a disease, a natural trouble; just as it is to trumpet with our mouth, which was intended for eating and drinking and gentler breathings. It is punishment enough to do an unnatural and a base action, it puts our soul and its faculties from their centre, and the ways of perfection. And this is fully observed by Seneca[e]: *Male de nobis actum erat quod multa scelera legem et judicem effugiunt, et scripta supplicia; nisi illa naturalia et gravia de præsentibus solverent, et in locum patientiæ timor cederet:* 'mankind were in an ill state of provisions, if those wickednesses which escape the law and the judge, did not suffer the more grievous inflictions of natural punishment, and fear came into the place of patience.' Still, fear is the bridle; but it is an honest fear, a fear of God and of natural disorders and inconvenience. Οὐκ ἐν συμβολαίοις πολιτικοῖς οὐδὲ ἐν ἀπαγορεύσει νόμου, ἀλλ' ἐξ ἰδιοπραγίας καὶ τῆς πρὸς τὸν θεὸν ἀγάπης ἡ δικαιοσύνη, as Clemens of Alexandria[f] calls it; a righteousness not produced by laws and the sword, fear and interest, but from the love of God, and something that is within. There is a fear, but it is such a fear as still leaves the love to virtue, and secures it in privacies and enjoins the habit and constant practice of it: a fear that is complicated with a natural love of our own preservation, and is constant, and measured by God, and in the natural limit cannot be extravagant; a fear that acknowledges God's omniscience, and His omnipresence, and His eternal justice: and this was the sense of that of Sophocles[g],

Πρὸς ταῦτα κρύπτε μηδὲν, ὡς ὁ πάνθ' ὁρῶν
καὶ πάντ' ἀκούων πάντ' ἀναπτύσσει χρόνος·

'do nothing basely and secretly; for time's father sees and hears all things, and time will discover it,' and truth shall be the daughter of time, and that which is done in secret shall be spoken upon the tops of houses. So both the Christian and the heathen are conjoined in the several expressions of the same great truth. This fear is deposited in conscience, and is begotten and kept by this proposition,—That God is a rewarder of all men according to their works.

Consequent to this is the love of virtue.

[e] [Epist. xcvii. tom. ii. p. 481.]
[f] [Strom., lib. vi. cap. 15. p. 803.]
[g] [Hippon., apud Clem. Alex. strom., lib. vi. cap. 2. p. 742; Stob. eclog. phys., lib. i. cap. 9. § 17, tom. i. p. 230; Aul. Gell., lib. xii. cap. 11.]

RULE IV.

THE SECOND BAND OF VIRTUE IS LOVE, AND ITS PROPER AND CONSEQUENT DELICIOUSNESS.

§ 1. THIS is not wholly natural, but in much of it is empirical, *εὕρημα χρόνου καὶ βίου*· proceeding from the grace of God, and the experience of the deliciousness and rewards of virtue, and the excellency of a greater hope which does entertain our spirits in the outer courts of pleasant expectations: *ὅτι ἐκ φιλοσοφίας τοῦτο αὐτῷ περιγέγονε, τὸ ἀνεπιτάκτως ποιεῖν ἃ τινες διὰ τὸν ἀπὸ τῶν νόμων φόβον ποιοῦσι*, as both Aristotle and Xenocrates[1] did speak: 'it is the effect of philosophy and religion, of virtuous and severe institutions to do that for love and without constraint, which fools, and vicious, and weak persons do for fear of laws.'

§ 2. Now this, I say, is not natural; that is, although it be agreeable to nature, yet not primarily introduced by it; without a tutor, because nature forbids injustice, but does not command justice, but secondarily and by accident, and upon supposition of other contingencies. To do injustice is always a sin, but not to do a justice is not always. For a man may depose the person of a judge, or a trustee, or a delegate; but they who habitually do justice, find the rewards of reputation, and the ease of being freed from the torments of an evil conscience which is a delicacy, like the being eased of the horrid gripes of the colic; and so insensibly grow in love with justice, that they think they love justice for justice' sake.

Ipsa sui merces erat et sine vindice præda.

§ 3. 1) Concerning which it is fit we consider a little, lest it become the occasion of scruples and nice opinions. Antigonus Sochæus an old Jew was famed for saying, Be not servants who serve their lord that they may receive a reward from him; but be such who serve him without consideration of wages, or recompenses, and let the fear of God be upon you. Baithus and Sadoc his disciples, from whom the sect of the Sadducees did spring, not well understanding him, took occasion from hence to deny the resurrection and rewards after this life. And indeed such sayings as these are easily abused; and when some men speak great things, and others believe as much of it as they understand, but understand it not all, they make sects and divide their schools, and ignorance and faction keep the doors and sit in the chairs sometimes. It is impossible a man should do great things, or suffer nobly without consideration of a reward; and since much of virtue consists in suffering evil things, virtue of herself is not a beatitude, but the way to one. He does things like a fool

[1] [Diog. Laert., lib. v. cap. 1. § 11.]

who does it for no end, and if he does not choose a good end he is worse; and virtue herself would in many instances be unreasonable if for no material consideration we should undertake her drudgery: and therefore S. Austin said well, *Sublatis æternis præmiis et pœnis verum staturum a partibus Epicuri.* Sensual pleasures were highly eligible, and not virtuous sufferings, 'if in this life only we had hope[k].' But if it be accounted the top of virtue to love virtue for virtue's sake, and without intuition of the reward; many times good men observing that themselves are encouraged by all God's promises to obedience and patience, and that in martyrdom there is no natural or sensitive pleasure, and that it cannot be loved for itself, but wholly for its reward, will find themselves put into fear where no fear is, and that a *nequam humilitas,* an unworthy opinion of their duty, shall affright their peace and holy confidence. Peregrinus the philosopher in A. Gellius[l] expressed this love of virtue for itself thus; *etiamsi Dii atque homines ignoraturi forent,* to do good though 'neither God nor men should know of it:' but as this is impossible in fact, so it is in speculation; for there were no such thing as virtue, if it were not relative and directed to God or man. But yet the thing which they mean is very good. Good men love virtue for virtue's sake, that is, they act it and love it, they do it with so habitual and confirmed elections and complacency that many times they have no actual intuition to the reward: they forget this, they are so taken with that; like a man that chooses a wife upon many considerations, as portion, family, hopes, and beauty; yet when he hath conversed long with her, and finds her amiable and fruitful, obedient and wise, he forgets all other considerations, and loves her person for her own perfections, but will not quit all his other interests. The difference is best understood by variety of motions. Some motions cannot be continued unless some agent or other do continually urge them, but they are violent and unnatural; others are perfective and loved, and they will continue and increase by their own principle if they be not hindered. This is the love of virtue, that is fear, or it may be hope; save that hope is a thing between both, and is compounded of both, and is more commendable than fear. But to love virtue for itself is nothing else but to love it directly and plainly; he that loves it only for the reward, and is not by the reward brought to love the things loves not this at all, but loves something else: but he that loves it at all, sees good in it, because he finds good by it, and therefore loves itself now, whatever was the first incentive; and the wooden arch may be taken away when that of marble is concentred.

§ 4. 2) *Vir fortis et justus .. in summa voluptate est, et periculo suo fruitur:* 'when a good man lays before him the price and redemption of his mortality, the liberty of his country, the safety of his friends, he is hugely pleased and delights in, and enjoys his danger.' But if he feels not this pleasure, yet without trembling and uncer-

[k] [1 Cor. xv. 19.]

[l] [lib. xii. cap. 11.]

tainty he will dare to die, *facere recte pieque contentus;* and if you tell him this reputation which he gets of his citizens will die almost as soon as he shall die; he answers, 'all those things are without the nature and consideration of my work:' *ego ipsum contemplor, hoc esse honestum scio,* 'I look upon the work itself and find it honest,' and that's enough; meaning secretly, that though these outward rewards were pared off, yet there are secret pleasures which will follow and stick close to virtue, as the shadow does to the body, and this good men must consider, because they feel it, and that is part of the reward.

§ 5. 3) They are pleased with the virtue itself, and their soul is as much delighted with it, and as naturally as the eye with beauteous colours, or the throat with unctuous juices, or the tongue with moist sweetnesses. For God hath made virtue proportionable to all the noble ends and worthy desires of mankind, and the proper instrument of his felicity; and all its beauties, and all its works, and all its effects, and all that for which it can be loved is part of the reward: and therefore to say a man can love virtue for virtue's sake and without consideration of the reward, is to say, a man can love virtue without any reason and inducement, without any argument to move his affections.

§ 6. 4) For there can be but two causes of amability in the world, perfection and usefulness, that is, beauty and profit; that in the thing itself, this as it relates to me. Now he that says a man may love virtue for its own sake without consideration of the reward, says no more than that a man may love a flower which he never hopes to smell of; that is, he may admire and commend it, and love to look on it; and just so he may do to virtue. But if he desires either, it is because it is profitable or useful to him, and hath something that will delight him; it cannot else possibly be desired.

§ 7. Now to love virtue in the first sense is rather praise than love; an act of understanding rather than of the will; and its object is properly the perfections of the flower or the virtue respectively: but when it comes to be desired, that is, loved with a relation to myself, it hath for its object other perfections, those things that please and that delight me; and that is nothing but part of the reward, or all of it.

§ 8. The question being thus explicated, it follows, that to love virtue for virtue's sake is so far from being the honour of a good and perfect man, that it is the character of an evil man, if it goes no further. For it amounts to nothing but this, that the understanding is convinced of the lawfulness of it,

——— video meliora proboque [m];—

it is that which S. Paul[n] calls a 'delighting in the law after the inner man.' But it is a relative, material, practical love of virtue that

[m] [Ovid. metam., vii. 20.] [n] [Rom. vii. 22.]

makes a good man; and the proper inducement of that is also relative, material and practical.

Est profecto Deus qui quæ nos gerimus
Auditque et videt. Bene merenti bene profuerit,
Male merenti par erit;—

said the comedian[o]: 'God hath so endeared justice and virtue to us, that He hearing and seeing all things, gives good things to them that do good things; but He will be even with the evil man.'

§ 9. 5) Lastly, to love virtue for virtue's sake is to love it without consideration of human rewards, praise of men, honours, riches, rest, power, and the like, which indeed are the hinges of most men's actions.

Cura quid expediat, prior est quam quid sit honestum,
Et cum fortuna statque caditque fides:
Nec facile invenies multis in millibus unum
Virtutem pretium qui putet esse sui.
Ipse decor, recte facti si præmia desint,
Non movet, et gratis pœnitet esse probum;
Nil nisi quod prodest carum est[p];—

Now he that is a good man and loves virtue virtuously, does not love it principally for these secular regards, but without such low expectations, and without apprehension of the angry sentence of the laws; but this does not exclude the intuition of the divine reward from having an influence into the most perfect love of virtue; for this is intrinsical to the sanction and nature of the law, the other is extrinsical and accidental. The first is such a reward as is the perfection of the work, for glory is the perfection of grace; and he that serves God for hope of glory, loves goodness for goodness' sake; for he pursues the interest of goodness that he may be filled with goodness, he serves God here that he may serve Him hereafter, he does it well that he may do it better, a little while that he may do it over again for ever and ever. Nothing else can be a loving virtue for virtue's sake; this is the greatest perfection and the most reasonable and practicable sense of doing it. And if the rewards of virtue were not the great practical inducement of good men's love to goodness, all the promises of the gospel were to no purpose in relation to the faith of good men, and therefore the greatest and the best part of faith itself would be useless: for there is no purpose or end of faith of the promises, but to enable our obedience by the credibility and expectation of such promises to do our duty.

§ 10. Now that even good men, even the best men, even all men have an habitual regard to it, besides that it is impossible to be otherwise (for he that ploughs does plough in hope), and will easily be understood to be so by them who know the causes and nature of things; it appears also in the instance of as good a man as any story reports of, even Moses, who 'despised to be called the son of Pharaoh's daughter, because he had an eye to the recompense of re-

[o] Plaut. captiv. [ii. 2. 63.] [p] [Ovid. Epist. ex Ponto, ii. 3. 9.]

ward[q]:' and by the instance of all those brave persons whom S. Paul enumerates in the eleventh chapter of the Hebrews; who 'all died in faith, not having received the promises[r];' but they looked for better, even such as were to come: and beyond all this, our blessed Lord himself 'despised shame and endured the cross[s];' but it was 'for the glory that was set before Him.' For it is the first and the greatest article of the gentiles' creed, 'every one that comes to God must believe that God is, and that He is a rewarder of them that diligently seek Him.

§ 11. The sum is this; although in nature herself, and in the conscience relating to her, there is a court punitive and a fear of God, yet the expectation of reward is rather put into us than born with us, and revealed rather than natural; and therefore the expectation of good is the second band of natural laws, but extrinsical and adventitious, communicated to us by revelation and by grace.

RULE V.

THE IMPERFECTION OF SOME PROVISIONS IN CIVIL LAWS ARE SUPPLIED BY THE NATURAL OBLIGATION REMAINING UPON PERSONS CIVILLY INCAPABLE.

§ 1. WHEN laws make provision of cases ἐπὶ τὸ πλεῖστον, in as many things as they can foresee or feel, and yet some things will emerge which cannot be foreseen, and some contrary reasons will arise; many times there is no care taken for some things and some persons by any constitutions of man. Here nature as the common parent of all justice and necessary obligations, takes the case into her protection.

This happens in many cases:

§ 2. 1) Human laws give measures of things and persons which fit most men without a sensible error, but some it does not. Young persons are at a certain age declared capable of making profitable contracts; at another age of making contracts that are hazardous, and they must stand to them, though they be mischievous: at one age they may marry, at another they may contract a debt, at another they may make a testament, at another they may be punished with capital inflictions. But in some persons the malice is earlier and the wit more pregnant, and the sense of their advantages brisk enough: and therefore the contracts which they can make, and the actions which they do, and the part which they choose is really made, or done, or chosen; but they not bound to stand to it by the civil

[q] [Heb. xi. 24, 6.] [r] [v. 39.] [s] [Heb. xii. 2.]

law: and yet if they can choose they are naturally obliged. Both of them are necessary; the civil law cannot provide but by common measures,

Quos ultra citraque nequit consistere rectum[t].

All their rules are made by as common a measure as they can, and they are the best rules that have the fewest exceptions: the best carpenters make the fewest chips, but some there must be. But then it is necessary that nature should provide by single provisions in all the single exceptions; for it is necessary it should be done, and she only can do it. She can do it because nature hath provided an instructed, a judging, and a discerning conscience; and the person that contracts or receives a benefit can bind himself to man as soon as he can bind himself to God, because the laws of God bind all our contracts with men. That is, plainly thus; God's laws provide not only for general cases but also for particular circumstances; and of every thing God and God's vicegerent, conscience, can take accounts; and therefore this abundance supplies the other's defect; the perfection of God makes up the breaches of the imperfection of man. Which rule is to be understood both of things and persons: for all our duty is only an obedience to God, and every one that can hope or fear is bound to this obedience; therefore there can be no gap here: God hath in every thing shut up every person that can use reason, by some instrument or other. And therefore Cicero[u] said well, *Si regnante Tarquinio nulla erat Romæ scripta lex de stupris, idcirco non contra illam legem sempiternam Sextus Tarquinius vim Lucretiæ Tricipitini filiæ attulit: erat enim ratio profecta a rerum natura, et ad recte faciendum impellens, et a delicto avocans:* there was no civil constitution against rapes, but Tarquin ought not to have done it; for there was an eternal law against it. For right reason proceeding from nature drives us on to good and calls us off from evil: that is, he could not but know it was ill, and against reason, and against every thing by which he ought to be governed; and even to the heathen God was not wanting, but bound these laws upon them by reason, and inclination, and necessity, and fame, and example, and contract, and hope, and fear, and by secret ways which we know not of. He made some inclinations and some reason to become laws, that mankind might not live like beasts and birds of prey: in all cases, and in all times, and to all persons He became a lord and a lawgiver some way or other.

§ 3. Young persons of twelve or fourteen years old can be saved or damned, they can love or hate, they can understand yea and nay, they can do a good turn or a shrewd, they can lead a blind man right or wrong, they can bear true or false witness: and although the civil laws out of care lest their easiness be abused by crafty people, make them secure from it by nulling the contract, that the

[t] [Horat., sat. i. 1. 107.] [u] Lib. ii. de legg. [cap. 4.]

deceiving person may not reap the harvest of his fraud; yet there are very many cases in which the minor receives advantage, or at least no wrong, and though it was fit he should be secured, it was not fit he should be enabled to do a mischief to another, *ut levamen his, aliis sit onus*, as S. Paul[x] in a like case; 'that they be eased and others burdened.' For although the other contractor be sufficiently warned to take heed of the minor, yet there may be need in it, or charity, friendship or confidence; all or any of which if they might be deceived the minor would suffer often, but the other contractor but once. Therefore as the civil law secures them from harm, so the law of nature binds them to do none, but to stand to such contracts in which they have advantage or equality, and in which they were not abused. The time when they come to be obliged is the time when they come to the use of reason, when they understand their duty, when a prudent man judges them fit to be contracted with, when they can use fraud to others, when they can consider whether they be bound or no: these are the best marks and signatures of the time, and declare the obligation in all cases where there is no deception evident.

§ 4. 2) Sometimes both parties can contract; but because they, doing it without witnesses, may recede from it, either consentingly or against the will of one of them, the positive constitution of man intending to provide against this inconvenience hath cut the civil tie in pieces and refuses to verify the contract, besides that it cannot legally be proved. In this case nature relieves the oppressed party, and supplies the easiness of the civil band, and strains that hard which the others let loose. And this happens in clandestine contracts, against which in the matter of marriage all christian countries have made severe edicts: but in case they be done, in some places they are pronounced valid, in some places declared null. Where they are nulled, nature is defeated in making provisions, and the parties are warranted to do a mischief. For if Mauritius and Cluviena contract marriage, and Mauritius repent his bargain, where shall Cluviena be relieved: the law of the church forbids it, and will punish her for doing it if she complains. The civil law takes no notice of it, for it cannot be legally proved: and the law of nature is barred out, if it be declared null; and then there is nothing left to hold him. It is the case of the church of Rome, who in the eighth session of the council of Trent[y] declares all clandestine contracts to be null, and their mixtures to be fornication and uncleanness. But they have overacted their zeal against a temporal inconvenience, and burn their house to roast an egg; they destroy a law of nature by a law of the church, against the former practices, counsels and resolutions, even of their own church. For if those contracts are in themselves naturally valid and not forbidden by God, then they cannot rescind them: if they be not naturally valid, since they were always positively forbidden, why were

[x] [2 Cor. viii. 13.] [y] [Sess. xxiv. cap. 1. tom. x. coll. 150 A.]

they esteemed valid for so many ages[z]: for till that council they were so, but finding that the former prohibitions were not strong enough, they took this course to break them all in pieces; and out of desire to prevent an accidental evil, they made it more ready to be done. For it was before but feared lest they should recede; but yet if they did, they were esteemed adulterers if they married again: and they themselves knew when they were precontracted; and therefore stood convicted and pinched in their own consciences so long as the old laws remained, and men did not receive warrants to break the most sacred bands in the world; but by this nullifying the contract, they have not only leave to go off, but are commanded; and if they be weary of this, they may contract with another, and there is nothing to hinder them, if nature does not. This nullity therefore is a vehement remedy that destroys the patient, besides that it is against the law of nature. The laws may forbid it to be done, but if it be, they cannot rescind it; because the civil constitution is less than the natural, and convenience is less than conscience, and man is infinitely less than God.

§ 5. 3) Some pretend to do a greater good, and to do it break a contract justly made; and if the civil constitution allows it, the law of nature reclaims and relieves the injured person. This was the case of the pharisees, who denied to relieve their parents out of zeal to fill the treasure of the temple, and thought that their voluntary religion excused from their natural duty. The church of Rome gives leave to either of the persons who are married solemnly and contracted rightly, to recede from their vow and enter into religion, and declares the marriage separate and broken. Here nature calls upon the obliged party, and ought to prevail above any other pretence, it being first in possession and faster in obligation; and if it be naturally an evil to break a lawful contract made without fraud, and which is in our power to keep, then it ought not to be done for any good in the world.

§ 6. 4) Hither also are to be reduced obligations by unsolemn stipulations, by command of parents, by intermination of curses, by mere delict amongst persons against whom lies no civil action, as of servants to their lords, sons to their fathers: concerning which proper accounts are to be given in their own places. Here only they are to be noted in the general observation of cases in which the law of nature hath made an obligation, when the civil power could not, or would not, or did against it.

§ 7. But it is proper to discuss a difficult question which entervenes upon this rule. The case is this: by the law of nature every man

[z] Navarrus, Enchirid. [cap. xxii. § 69. pp. 505, 6. ed. 8vo. Antv. 1581.] Et congregatio cardinalium quos talis et tam putidi pudebat decreti, directe negant rem factam aut dictam, et sponsalia clandestina etiam post concilium rata manere, sicut et ante. Consuluerunt sc. famæ concilii, non propriæ, qui rem tam certam, verba tam plana negare palam non erubuerunt.

hath power to make a testament of his own goods; but the civil law requires conditions of every testator that the testament shall be ratified by so many witnesses, or else it shall be invalid: Sempronius dying leaves Caius his heir, and gives but a small portion to his son Porcius, but declares this by an unsolemn testament. The like may happen in all donations and actions to which any solemnities of law are required.

Quest.

§ 8. The question is, whether the estate be due to Caius by the law of nature, or is not Porcius the son to be relieved by the civil constitution which makes the unsolemn testament to be invalid: to this it is commonly answered,

1) That to make a testament is not a law of nature, but a right only, which as a man may himself relinquish, so may the public laws restrain for the public good; for there being so many frauds in pretended testaments it is necessary that provisions should be made to prevent the infinite evils that may happen. Now whatsoever is necessary is also just, if the necessity be public, real, and unavoidable by other means; and if it be just, the public power hath sufficient authority to restrain any man's right for every man's good.

§ 9. 2) Every sentence of the judge in a clear case that binds in law does also bind in conscience; but if the judge of civil actions did know that Sempronius really did appoint the stranger Caius his heir, yet by the law he were bound to declare for the son Porcius, and that the real unsolemn will of Sempronius were to be accounted nothing. So that although the law were made to prevent fraud, yet even when there is no fraud, and the judge knows there is none, yet the unsolemn testament is to be declared invalid by the law; which law because it is just, and for a just cause, and by a competent authority, must bind in conscience by the force of the words of S. Paul[a], "Let every soul be subject to the higher powers." And therefore if the law be good and the judge just in giving the inheritance from Caius to Porcius, certainly Caius must needs be unjust if he detains it.

§ 10. 3) And this very thing is consented to in the canons of the church, which are usually framed, and ever to be presumed, *ubi contrarium non constat*, to be more agreeable to the measures of conscience; and yet in the canon law, a testament framed and signed in the presence of two witnesses is not good, unless the parish priest be present; and that no man can lawfully detain a legacy upon the warrant of such a will.

§ 11. 4) For since every act of man consists of the potestative and elective faculties, if either will be wanting or power, the act is invalid. It is not therefore enough though the will be manifest and confessed; for if the man have no power, his will is ineffective.

[a] [Rom. xiii. 1.]

§ 12. But this opinion, though relying upon fair probabilities and great authority, is not to be assented to as it lies, but with great caution and provisions. For a right of nature cannot be taken away by a civil power, entirely and habitually, but only *quoad exercitium actus:* 'the exercise of the act' of that right may indeed be impeded for great reasons and to prevent great evils; since therefore the power of making testaments is a natural right, and is wholly suspended in its act to prevent frauds in unsolemn testaments, where the case is evident and no fraud at all, although the civil law is still valid because it being established upon a general cause, though it fails in a particular it does not fail in the general, and therefore still is rate and firm; yet because it does fail in the particular where that is known, there is a port open for chancery, for considerations of piety and religion. And therefore although in the case put, Porcius who is the natural heir of Sempronius, is to take the advantage of the civil law against Caius; yet if Sempronius had made an unsolemn testament in behalf of his natural heir, that ought to have stood in the court of conscience. My reason is, because in the law of nature Porcius the son hath as much natural right to inherit, as Sempronius the father hath to make a testament; and therefore although an unsolemn testament shall not be sufficient to interrupt a natural succession, because the rights of nature on either hand are equal, yet the civil power can restrain his right when there is nothing complicated with it; for his own consent is involved in the public constitution, and he may consent to the diminution of his own right when no duty is infringed, that is, in those things where only his own rights are concerned.

§ 13. When therefore any thing of the law of nature is twisted with the right of nature, there is an obligation past which the civil constitution cannot annul. As if Sempronius command his son in an unsolemn testament, in private and without witnesses, to give such a legacy to Titius his nephew; although Titius cannot challenge it by virtue of that testament, yet the son is bound to pay it by the law of nature: for civil constitutions have effect upon a mere right, but none against a duty of nature; and therefore although the testament of Sempronius shall not pass into legal, external, judicial warranty, yet it binds the son, and is valid as to him by the law of nature and conscience. And this was rarely well affirmed by Pliny[b], *Hoc si jus aspicias, irritum; si defuncti voluntatem, ratum et firmum est: mihi autem defuncti voluntas (vereor quam in partem jurisconsulti quod sum dicturus accipiant) antiquior jure est:* 'if we regard the civil law such testaments are invalid; yet if we regard the will of the testator it is firm: but though I know not how the lawyers will take it, yet to me the will of the dead is to be preferred before the law:' and more fully yet to Antonianus[c], *Tu quidem pro cætera tua diligentia admones me, codicillos Attiliani, qui me ex parte instituit hæredem, pro-*

[b] Ad Calvisium, lib. v. [epist. 7.]

[c] [Lege 'Annianus.' lib. ii. [epist. 16.]

non scriptis habendos, quia non sint confirmati testamento; quod jus ne mihi quidem ignotum est, cum sit iis etiam notum qui nihil aliud sciunt. Sed ego propriam quandam legem mihi dixi, ut defunctorum voluntates, etiam si jure deficerent, quasi perfectas tuerer. Constat enim codicillos istos Attiliani manu scriptos: licet ergo non sint confirmati testamento, a me tamen ut confirmati observabuntur: 'every one that knows any thing knows that in law unsolemn testaments are invalid, but I have another law of my own; if I know it was really the will of the dead, I will verify it though it want the solemnity of law:' and this also was affirmed by Innocentius[d], saying, *electionem quæ juri naturæ consentit, licet non serventur juris solennitates, tenere. Cap. 'Quod sicut,' De electione.*

§ 14. And there is great reason and great piety in this sense of the question; for when a duty is any ways concerned, there is something owing to God which no human power can or ought to prejudice. For it is in testaments where any duty of any one is engaged as it is in contracts of marriage, to which every one that can choose is capable of being naturally obliged: now the relative of the obligation cannot in human courts claim either the advantage of an unsolemn testament, or unsolemn and clandestine contract, yet the relative who is obliged to duty cannot be so quitted; and therefore the father can oblige a son in duty to perform an unsolemn testament, and every contracted person is bound to perform privately what the other cannot challenge publicly: and this is not obscurely intimated by the law, *L. 'Hoc consultissima,' C. de testam.*[e] *Ex imperfecto autem testamento voluntatem tenere defuncti habeatur non volumus, nisi inter solos liberos a parentibus utriusque sexus;* viz. *nisi liberi in sola dividenda hæreditate voluntatem habeant patris,* saith the gloss.

§ 15. And for the confirmation of all this, it is remarkable that they who affirm an unsolemn testament to be utterly invalid, and that the law of nature is no remedy in this case, yet affirm that it is of force in the matter of piety; as in donations to churches, the poor, and pious uses; as appears in Imola, Ananus, Antonius Rubeus, Covarruvias and others: which concession of theirs could not be reasonable or consistent with their opinion, but that it is made so by the foregoing considerations; which certainly are the best medium to reconcile duty and prudence, the laws natural and civil, the right of a man with the government of a commonwealth, and to state the question between the two parties who earnestly dispute it to contrary purposes.

§ 16. For although the question is probably disputed on both sides, yet there are on either hand instances in which the solemnity of the law does and does not oblige respectively: which shews that the probability is on either hand right and true; and the thing as it lies in the middle hath nothing certain or resolved, but is true or

[d] [? Greg. ix. decret., lib. i. tit. 6. cap. 28. col. 143.]
[e] [lib. vi. tit. 23. l. 21. col. 512.]

false as it partakes of differing reasons. Now the reason of the whole is, because the solemnity of law is wholly to be regarded where there is not a bigger obligation; where God hath not bound, and man hath bound, man is to be obeyed: but where God hath bound directly, there God is to be obeyed whatever be pretended by men: but if God hath only bound indirectly and collaterally, as if it be a case favourable and pious, there the solemnity of law which is against it, is not to prevail; but yet is to prevail in the behalf and prosecution of it.

§ 17. 1) Thus if a pupil makes a contract in his minority to his ruin, or signal detriment, he is to be relieved by the advantage of the civil law which makes his contract invalid, because the person is declared incompetent; and he may lawfully take his remedy, and is not bound by the law of nature to verify it, because he being less naturally capable to contract, the other is by the law of nature bound not to do him injury, and take unequal advantages when every man hath equal right: and therefore if he does prevaricate the natural law of justice which is equality, he also may lose the privilege which the other's action passed unto him; for the civil law declaring that minors shall not be prejudiced, makes up that justice or equality which nature intends. For the minor with his less portion of understanding, and the defensative and retreat given him by the civil law, is made equal to the contractor who is perfect in his natural capacity. Equality must be done and had, and this is one way of inferring it.

§ 18. 2) Another way is, if the minor receives advantage by the bargain; then there is equality; for the want of his natural capacity is supplied by the advantageous matter, and therefore such contracts are valid though the one of the contractors be legally incapable. But,

§ 19. 3) If the bargain give some advantage on either side, the minor must not take the advantage offered him by the civil law to himself, unless he allow to the other his share of advantage in the bargain: for otherwise there is inequality. But,

§ 20. 4) Neither one nor the other is to be done, nor the contract to be rescinded, if the person was naturally capable, that is, unless it be apparent by the consciousness of his own weakness, or the iniquity and folly of the contract, that he was less in nature than the other; and therefore in this case the civil law rescinding the contract of the minor does declare that he is incapable naturally as well as civilly: and the civil constitution does no way interfere with the natural, but ministers to it, making the natural instance even with the natural reason; for this being always alike, from the first to the last, the instance growing from imperfection to perfection must in the progression be defended and supplied, and be fitted to the other.

§ 21. But in general, the rule is true which Panormitan affirms in prosecution of what I have now disputed *Quando jus civile aliquid disponit contra jus naturæ, standum est juri naturæ:* and in particular to this very instance of unsolemn testaments pope Alexander the third being asked whether according to the custom that was

in the diocese of Ostia a will could be valid which was not attested by seven or five witnesses at least, gave an answer, *cap.* '*Cum esses,*' *De testam.*[t],—*Tales leges a divina lege et sanctorum patrum institutis et a generali ecclesiæ consuetudine esse alienas; et ideo standum esse contra illas juri naturali, secundum quod in ore duorum aut trium stat omne verbum.* Which words of his I only admit so far as they are agreeable to the former measures and limitation. For that a word is true under the test of two or three witnesses is not a prohibitive law or command of nature; but it was urged by our B. Saviour to the Jews as a thing admitted in their law, and it is agreeable to the law of nature; but yet not so, but that a greater caution may be in some cases introduced by the civil constitution, as I affirmed above[s]: viz. when the innocent and equal state of nature to which such simplicity or small duplicate of testimonies were sufficient, becomes changed by frauds and artifices of evil men, or new necessities are introduced which nature did not foresee and therefore did not provide for, but God hath provided for them by other means, even by a power given to the civil magistrate.

§ 22. Lastly, to make up the measures and cautions of this discourse complete, it is to be added, that when the civil laws annul an unsolemn contract or testament, it is meant, that such are to be declared null when they come into judgment; not that the action or translation of any dominion, inheritance, or legacy, is *ipso facto* void: and therefore he that is possessed of any such is not tied to make voluntary restitution, or to reveal the nullity of the donation, but to depart from it, when he is required by law: for he hath the advantage of a natural right or power in the donor, and that being first must stand till it be rescinded by a competent power; for the whole question being but probable on either side, the possessor or the donee hath the advantage till a stronger than he comes and takes away that in which he trusted.

RULE VI.

SINS AGAINST THE LAWS OF NATURE ARE GREATER OR LESS, NOT BY THAT PROPORTION, BUT BY THE GREATNESS OF THE MATTER, AND THE EVIL CONSEQUENT, OR THE MALICE OF THE SINNER.

§ 1. THIS rule is intended to remedy a great error that is in the world and prevails very much to the abuse of men's persuasions in many cases of conscience, viz. that all sins which are unnatural are the worst; and to be a sin against nature is the highest aggravation

[t] [Greg. ix. Decret., lib. iii. tit. 21. cap. 10. col. 1089.]

[s] Rule i. § 51. [p. 304.]

of it in the world: which if it were true *in thesi*, yet because when it comes to be reduced to practice it is wrapped up in uncertain notices it ought to be more warily handled. For when men have first laid huge loads of declamations upon all natural rights and natural wrongs, and then endeavoured to draw forth a collective body of natural laws, and they have done it by chance or as they please, they have put it within their own powers to make what things they list as execrable as murder or blasphemy; without any other reason, but that they have called them unnatural sins.

Concerning which these things are considerable:

§ 2. 1) All sins against nature are no more the most detestable than all sins against God, because if the kind of sins, or the general reason or object of its irregularity, were all that were considerable in this, nothing could be the aggravation of a sin more than this that it were against God. Now because all sins are against God, and yet amongst them there is difference, the greatness of this appellative is not the only thing that is considerable. But this is, that as all sins are against God, so all are against nature, some way or other; and the reason that concludes against every sin is that reason that is common to all wise men, and therefore it must be also natural; I do not mean, taught us without the help of revelation or institution, but such as all men when they are taught find to be really, and in the nature of things so constituted, to be reasonable.

§ 3. All voluntary pollutions are sins against nature, because they are satisfactions of lust in ways otherwise than nature intended; but they are not all of them worse than adultery or fornication. For although all such pollutions are besides nature's provisions and order, yet some of them are more single evils than fornication; which although it be against nature too because it dishonours the body, yet it is by name forbidden in the commandment, which some of the others are not, but come in by consequence and attendance: and fornication includes the crime of two, which the other does not always; and it is acted with more vile circumstances and follies, and loss of time, and other foul appendages. It is said to be against nature to approach a woman during her natural separations: but if it be a sin (which I shall consider in its due place), yet it is of the smallest consequence and malignity; so that for a sin to be against nature, does only denote its material part, or the body of it, but does not always superinfuse a venom and special malignity or greatness of crime into it, above other sins; but it is according as the instance is. Every sin against the duty we owe to our parents is unnatural; but they have their heightenings and diminutions from other accounts, and in this they have variety. And it is observable that there were some laws made concerning some of these and the like instances in the judicial law of Moses, but none in the moral; and therefore that the irregularity in some of these cases though it hath met with a foul ap-

pellative, yet is to be estimated by more certain proportions than such casual appellations.

§ 4. 2) The breach of a commandment is a surer rule to judge of sins than the doing against a natural reason. For there are many things which are unreasonable which are not unlawful, and some things which are in some circumstances reasonable, but yet in the law forbidden and irregular; such are all those things which are permitted for the hardness of our hearts. So was polygamy to the patriarchs and to the Jews. So is the breach of laws by an universal deficiency of the people; which though it be infinitely unlawful, yet for the unreasonableness in punishing all, it becomes permitted to as. Therefore to estimate the goodness or badness of an action by its being reasonable or unreasonable is infinitely fallacious, unless we take in other measures. It is unreasonable that a man should marry when he is fourscore years old, but it is not unlawful. It is unreasonable for an old man to marry a young maiden, but I find no sin in it. Nothing is more against nature than to marry June and December; and it is unnatural to make productions by the mixture of an horse and an ass, and yet it is done without scruple. But in these and the like cases, the commandment and nothing else is the measure of right and wrong.

§ 5. 3) When the measure of the commandment is observed, the degree of the sin is not to be derived from the greatness nor smallness of its unreasonableness in its own nature, nor yet by its contradicting a prime or a secondary reason.

The reason of the first is, because there are no degrees of reason in the nature of things. Reason is an indivisible thing, simple as the understanding; and it only receives increase by numbers, or by complication with matter and relations. It is as unreasonable to think a thought against God, as to kill a man. It is as unreasonable and unnatural to speak against experience, as against a necessary proposition; against a truth in mathematics, as against a truth in scripture; and in the proper natural reason of things there can be no difference in degrees, for a truth increases not, neither can it decrease.

The reason of the second is, because that a reason is prime or secondary, is accidental to the case of conscience or to the efficacy of its persuasion. For before contracts were made or dominions distinguished, it was a prime truth that such things as every one seized on were his own by the priority of title. It was a secondary truth, that every one was to be permitted to his right for which he hath contracted, and which is in his possession. Now these reasons are prime or consequent according to the state of things to which they are fitted, but the reason from thence receives no increment, nor the fact any alteration.

§ 6. But this is also true whether the reason be known to us with or without a teacher. For the highest truths of God are such as are communicated by revelation; and it is all one whether God teaches

us by nature or by grace, by discourse or by experience. There is this only difference, that in such truths which are taught, some men can have an excuse because all are not alike instructed in them; but in those things which are born with us, or are consented to as soon as spoken, it cannot be supposed but all men (that are not fools) know them; and therefore they can have no pretence of ignorance in such cases. So that sins against prime or secondary truths, against truths original or consequent truths born or taught, do not differ in the nature of the things, but may cause an accidental difference in the person, and may take from him the excuse of ignorance, and so make the man more sinful, but not the action in itself and in its own nature worse.

RULE VII.

ACTIONS WHICH ARE FORBIDDEN BY THE LAW OF NATURE, EITHER FOR DEFECT OF POWER, OR FOR THE INCAPACITY OF THE MATTER, ARE NOT ONLY UNLAWFUL BUT ALSO VOID.

§ 1. THIS is true in contracts, and acts of donation, in vows and dedition, and all rely upon the same reason. He that cannot give, and he that cannot be given, cannot contract or be contracted with. Titius intends to marry Cornelia's servant, because he desires to have children, and to live comfortably with the wife of his youth. He does so, and in their first access he finds her whom he thought to be a woman, to be an eunuch, and therefore not a person capable of making such a contract; she did ill in contracting, but she hath done nothing at all besides that ill, for the contract is void by the incapacity of the person.

§ 2. Upon this account the lawyers amongst the causes of the nullities of marriage reckon *error personæ*, the mistake of the person; though certainly this is not to be extended beyond the mere incapacities of nature, if we speak of natural nullities. Thus if I contract with Millenia whom I suppose to be a lady, and she proves to be a servant, or of mean extraction; though if she did deceive me she did ill in it, yet if she could naturally verify that contract, that is, do all the offices of a wife, the contract is not naturally void: whether it be void upon a civil account is not here to be enquired, but by the law of nature it is void only if by nature it cannot be consummate. For by a civil inconvenience or mistake the contracts of nature cannot be naturally invalid; because that is after nature and of another consideration, and of a different matter. For that a man's wife should

be rich, or free, is no more of the necessity of the contract of marriage than it is that she should be good natured, or healthful: with this only difference, that if a man contracts upon certain conditions, the contract is void if the conditions be not verified; and for those things which are present and actual he can contract, but not for what is future, contingent, and potential. A man may contract with a maiden to take her for his wife if she be free, or if she have such a portion; but not upon condition that she shall be healthful for seven years. Because whatever condition can be stipulated for must be actual before consummation of the marriage, afterwards it is for better or worse; the want of any such condition is not so great an evil to the man as it is to the woman to be left after she is dishonoured. So that if it be a thing which can be contracted for, and be actually contracted for, in the destitution of the condition the contract is void. But if there be no such express stipulation made, there is nothing can be made a nullity by nature, but that which is a natural incapacity: and therefore if a gentleman contracts with a slave whom he thinks to be a free woman, with a bastard whom he thinks to be legitimate, with a beggar whom he thinks to be a great heiress, the contract is naturally valid, because there is in it all the natural capacity; if she be a woman, if she can be a wife, and can be his, there is no more required to a verification of the contract in the law of nature. By the way, I desire it be observed that to separate or disannul a contract is not the same thing with declaring it to be null of itself or from the beginning. The reason why I insert this here is lest the explication of the rule seem infirm upon the account of other instances: for if a man marries a woman whom he took for a maid, and she proves not to be so, by the mosaic law she was to be separated by death or divorce: but this is not a nullity; but a divorce may be for that cause which was in being before the marriage as well as for the same reason after.

§ 3. The other natural cause of invalidity is when the contract is made by him who had no power naturally to make it. This happens in case of precontracts. Spurius Fescennius woos a Greek virgin, and obtaining her consent contracts himself to her, and promises to marry her within a certain limited time. But before the expiration of that time Publius Niger dies, and leaves his widow young and rich and noble; which advantages Fescennius observing, grows in love with them, and in a short time quits his pretty Greek, and marries the rich Roman lady: but being troubled in conscience about the fact enquires what he hath done, and what he ought to do; and he was answered thus,—If he was married to the Greek, he must return to her if she will receive him, and quit his new lady; because he was not a person capable to contract with her, being married to another: a dead man may as well marry as that an husband can marry to another, and quit that which had possessed all his former power. For in all moral actions there must be a substantial, potestative prin-

ciple that must have a proportioned power to the effect; a thing cannot be done without a cause and principle in morality, any more than in nature. If a woman goes about to consecrate the holy sacrament, it is χεὶρ ἄκυρος[e], it is an 'ineffective hand;' she sins for attempting it, and cannot do it afterwards: and it were wiser and truer if men would think the same thing of their giving baptism, unless they will confess that to baptize children is a mere natural and secular action to which natural powers are sufficient; or that women have received spiritual powers to do it; and that whether a priest or a woman does it is no difference, but matter of order only. If an effect be spiritual, the agent must be so too; if the effect be gracious and precarious[f], so must the active cause. Thus it is in contracts, and donations, which cannot be done without the power of him that does it; but he who hath already given away his power, hath none to act withal: he cannot do one action twice.

§ 4. But this is to be understood only after the actual cession of the power and active principle; not after promises but after possession. Therefore if Fescennius was only contracted or promised for the future, though he sinned grievously in afterwards contracting with the other, yet it is valid. For a promise takes not away our dominion in a thing, but obliges us to use it in a certain manner. Bartolus appoints his cosen[g] Ancharanus to be his proctor at a synod, and promises that he will not revoke the deputation, but afterwards does; he is a breaker of promise, but the revocation is good. So it is in testaments, and so in promises; for if after promise we have no right in the thing which we have promised, then we have no power to perform it; but if we have a right, then the after act is valid, because it hath a natural potestative cause: but if the power be past from us, as if Fescennius were married to the Greek, he had not himself to give; for as he in the comedy said of servants,

> Τοῦ σώματος γὰρ οὐκ ἐᾷ τὸν κύριον
> κρατεῖν ὁ δαίμων, ἀλλὰ τὸν ἐωνημένον[h].

'the man hath not power over his own body, but the master hath;' so hath the wife over the husband, and therefore he hath nothing now to give, and if he does, he does nothing; the man loses his honesty, but the wife does not lose her right. But of the instance I am to speak in its own place: here only I am to consider the general rule and its reason.

[e] [See vol. v. pp. 62, 113.]
[f] [See vol. iv. p. 589.]
[g] [See vol. iv. p. 306, and vii. 3.]
[h] [Aristoph. Plut., 6.]

RULE VIII.

WHEN AN ACT IS FORBIDDEN BY THE LAW OF NATURE FOR THE TURPITUDE AND UNDECENCY THAT IT HATH IN THE MATTER OF THE ACTION, THE ACT IS ALSO VOID WHEN THE TURPITUDE REMAINS OR HATH A PERPETUAL CAUSE.

§ 1. He that contracts a marriage with his father's wife, or any marriage in which every illicit act is a new sin, hath not only sinned in making the contract, but the marriage is void by the law of nature; and the reason is, because no man can bind himself to sin; so that here also there is a defect of power: no man can bind himself against God, and the law of nature, whose prime rule is to do good and to eschew evil, cannot verify an act which prevaricates her greatest principle. Nature cannot give leave to sin against nature, it were a contradiction; for then the same thing should be according to nature and not according: and this is expressly affirmed in the law, *Quod leges fieri prohibent, si perpetuam causam servaturum est, cessat obligatio; ut si sororem suam nupturam sibi aliquis stipuletur*[1], 'He that promises to marry his sister is not bound to verify it,' and if he have done it he is bound to quit her; because every act of conjunction with her is incestuous, and a state of sin cannot be consented to, nor verified by nature who is an essential enemy to it.

§ 2. This is to be understood only in things forbidden by the law of nature, the eternal law of God, or His positive temporary law; but is not true in things forbidden only by men: the reason of them both is, because no man hath power to contract against a divine law; but if he have contracted against a human law, his contract is established by a divine law, and is greater than the human, where the divine does not intervene by some collateral interest. The law of the church of Rome forbids some persons to contract marriage; and yet if they do the contract is valid, because the persons being naturally or by divine law capable of contracting, they only sinned who entered against law or leave; but they sinned then only, for the after actions being no sins, cannot be invalidated.

§ 3. And yet if the contract be made against a divine law, it is not invalid, unless the divine law have a perpetual influence upon the state, or renewed actions. If a Jew did buy and sell upon the sabbath he sinned against a divine law, but his contract is valid. He that contracts with a woman of fornications and lies with her for a price, hath sinned in so doing, but is bound to pay her the price of her lust, because nothing here is against the divine law but the fornication; but the contract being extrinsical to the nature of the sin, is not made null by that sin, but that which is intrinsically evil is for ever so, and therefore must be broken in pieces.

[1] L. 'Si stipulor,' De verb. oblig. [Digest., lib. xlv. tit. 1. § 35. col. 1528.]

§ 4. In all other cases, whatsoever is forbidden by the law of nature is a sin if it be done, but it is valid and effective to all purposes of that law. It is against the law of nature to take a great price for a trifle, but if it be contracted for it must be paid. If a thief makes me promise to pay him twenty pounds the next day, though he sinned against a natural law in doing me that violence, and exacting of me that promise, yet the stipulation must stand.

The sum is this:—Wherever there is power, and will, and in the permanent effect consonancy to the prime measures of nature, there the actions are valid though they entered at the wrong door.

But he that wants power, let his will be never so strong, it effects nothing without: it is just like the king that commanded the waves of the sea not to come to the foot of his chair; they came for all his will to the contrary.

He that wants will, wants also an integral part of the constitution of the act, and does nothing.

But when he hath a natural and legal power, and an effective will, yet if the whole state or the after actions dwell in sin, it cannot be permitted by nature, but must be turned out of doors.

RULE IX.

THE LAW OF NATURE CAN BE DISPENSED WITH BY THE DIVINE POWER[k]

§ 1. I AM willing publicly to acknowledge that I was always, since I understood it, a very great enemy to all those questions of the school which enquire into the power of God: as whether by God's absolute power a body can be in two places; whether God can give leave to a man to sin; and very many there are of them to as little purpose. But yet here I am willing to speak in the like manner of expression, because the consequent and effect of it goes not to a direct enquiry concerning the divine power; for it intends to remonstrate that because God does actually dispense in His own law, this prime law of God, or the law of nature, is nothing else but the express and declared will of God in matters proportionable to right reason and the nature of man.

§ 2. But in order to the present enquiry, it is to be observed that God's dispensation is otherwise than man's dispensation. 1) God is the supreme lawgiver, and hath immediate power and influence over laws, and can cancel these, and impose those, new or old as He please. By this power it is that He can relax to particular persons their personal obligation, *quoad hic, et nunc, et sic:* and if He does, the law still re-

[k] Vid. reg. i. § 43, 44, &c. [p. 299, sqq.]

maining in its force and power to other persons and in other cases, this is properly dispensation. 2) God is the supreme Lord, and can transfer dominions and take away kingdoms, and give them to whom He please; and when He makes such changes, if He commands any one to be His minister in such translations, He does legitimate all those violences by which those changes are to be effected: and this also is a dispensation, but improperly. 3) God also is the supreme judge, and can punish and exauthorate whom He please, and substitute others in their room; and when He does so by command and express declaration of His will, then also He dispenses in those obligations of justice, or obedience, or duty respectively, by which the successor, or substitute, or minister was hindered from doing that which before the command was a sin, but now is none: and this also is another manner of dispensation. Some doctors of the law are resolved to call nothing dispensation but the first of these, and the other under another name shall signify the same thing; but say they, he only dispenses who does take off the obligation directly, by his legislative power, without using his judicative and potestative; he who does it as an act of direct jurisdiction, not as a lord, or a judge, but as a lawgiver. Now, say they, God does never as a lawgiver cancel or abrogate any law of nature, but as a lord He transfers rights, and as a judge He may use what instruments He please in executing His sentence; and so by subtracting or changing the matter of the laws of nature, He changes the whole action.

To these things I make this reply.

§ 3. 1) That this is doing the same thing under another manner of speaking; for when it is enquired whether the law of nature is dispensable, the meaning is, whether or no that which is forbidden by the law of nature may in certain cases be done without sin: but we mean not to enquire whether or no this change of actions from unlawful to lawful be that which the lawyers in their words of art and as they define it call dispensation; for in matters of conscience, it is pedantry to dispute concerning the forms and terms of art, which men to make their nothings seem learning dress up into order and methods, like the dressings and paintings of people that have no beauty of their own: but here the enquiry is and ought to be more material in order to practice and cases of conscience. For if I may be permitted to do that which by the law of nature I am not permitted, then I am dispensed with in the law of nature, that is, a leave is given to me to do what otherwise I might not.

§ 4. 2) That the doing of this by any of the forenamed instruments or ways is a dispensation and so really to be called, appears in the instances of all laws. For if it be pretended that the pope can dispense in the matter of vows, or a prince in the matter of marriages, which are rate and firm by the law of nature; he cannot do it by direct jurisdiction or by annulling the law which is greater than either king

or bishop: for when a dispensation is given in these instances, it is not given but when there is cause, and when there is cause the matter is changed, and though the law remains, yet in a changed matter the obligation is taken off; and this is that which all the world calls dispensation: and so it is in the present question; when God changes the matter or the case is pitiable, or some greater end of God is to be served, that is, when there is cause, God dispenses, that is, takes off the obligation. Here only is the difference,

§ 5. 3) In divine dispensations God makes the cause; for His laws are so wise, so prudent, so fitted for all needs and persons and all cases, that there is no defaillance or new arising case which God did not foresee: but because He hath ends of providence, of justice, of goodness or power to serve, He often introduces new causes of things, and then He gives leave to men to finish His designs by instruments which without such leave would be unlawful. But in human dispensations the cause is prepared beforehand, not by the lawgiver, but by accident and unavoidable defect: for without cause dispensations are not to be granted, but in both the dispensation is not without the changing of the matter, that is, without altering the case. God does not give leave to any man to break a natural law, as long as he keeps that natural law in its own force and reason: and neither does a prince or bishop give leave to any subject to break any of his laws when there is no need; for the first would be a contradiction, and the second a plain ruin of his power, and a contempt to his laws. Therefore in the sum of affairs it is all one; and because actions generally forbidden by the law of nature may by God be commanded to be done, and then are made lawful by a temporary command, which He made unlawful by nature or first sanction; that is a direct dispensing with single persons in the law of nature. And to say it is not a dispensation, because God does not do it by an act of simple jurisdiction, but by the intertexture of His dominative and judicial power, is nothing but to say that God having made a law agreeable to reason, will not do against that reason which Himself made, till He introduces a higher, or another. For while all things remain as was foreseen or intended in the law, both divine and human laws are indispensable, that is, neither God in His providence, nor men in the administration of justice and government do at all relax their law. If it be said, a king can do it by absolute power, though it be unjust; I confess this God cannot do, because He can do no wrong: but if God does it, His very doing it makes it just; and this a king cannot do. But if the question be of matter of power, abstracting from considerations of just or unjust, there is no peradventure but God can do in His own law as much as any prince can do in his. When the matter is changed, the divine law is as changeable as the human, with this only difference, that to change the matter of a divine natural law, is like the changing of the order of nature; sometimes it is done by miracle, and so is the law also changed, by

extraordinary dispensation; but this although it can happen as often as God please, yet it does happen but seldom as a miracle: but in human laws it can and does often happen, and therefore they are to be dispensed with frequently; and sometimes the case can so wholly alter, and the face of things be so entirely new, and the inconvenience so intolerable, that the whole law must pass away into desuetude and nullity; which can never happen in the divine natural law, because the reason of it is as eternal as nature herself, and can only be interrupted by rare contingencies of God's procuring, as the order of nature is by miracle; but will revert, because nature will return into her own channel, and her laws into their proper obligation.

§ 6. 4) But now to the matter of fact that God hath dispensed not only by subtraction or alteration of the matter, but by direct jurisdiction, that is, as He is a judge, and a lord, and a lawgiver, even in all the ways in which dispensations can be made, appears in several instances.

§ 7. *a*) That the marriage of one man and one woman is by the law of nature, appears by the institution of marriage, and by Christ's revocation of it to the first sanction. It was so from the beginning, and if any thing be a law of nature, that is one by the consent of all men: and yet Moses permitted divorces, and God and Moses His servant permitted polygamy when there was no necessity, no change of the matter or of case, but only that men had a mind to it. For if the conjunction of male and female was established *in singulari conjugio* at the first, when there might be a greater necessity of multiplying wives for the peopling the world, then as the world grew more populous the necessity could less be pretended; therefore this must be an act of pure jurisdiction: the causes of exception or dispensation grew less when the dispensation was more frequent, and therefore it was only a direct act of jurisdiction. Though I confess that to distinguish dominion from jurisdiction, and the power of a judge from that of a lawgiver, I mean when both are supreme, and the power of a lord from them both, is a distinction without real difference: for as He is our Lord He gives us laws and judges us by those laws, and therefore nothing is material in this enquiry, but whether the action can pass from unlawful to lawful; though because the lawyers and other schools of learning use to speak their *shibboleth*, I thought it not amiss to endeavour to be understood by them in their own way. So again, that brother and sister should not marry is supposed to be a law of nature: but yet God dispensed with it in the case of Cain and his sister; and this He did as a Lord or as a lawgiver, He made it necessary to be so, and yet it was not necessary He should make it so, for He could have created twenty men and twenty women as well as one. But that which is incest in others was not so in him; but there was no signal act of dominion or of judicature in this, but it was the act of a free agent, and done because

God would do so: whether this be jurisdiction or dominion, let who can determine.

§ 8. β) But in some things God did dispense by changing the matter, using that which men are pleased to call the right of dominion[l]. Thus God did dispense with Abraham in the matter of the sixth commandment; God commanded him to kill his son, and he obeyed, that is, resolved to do it, and willed that which in others would be wilful murder. Now God was Lord of Isaac's life, and might take it away himself, and therefore it was just: but when He gave Abraham command to do it, He did not do it but by dispensing with him in that commandment. It is true that God by His dominion made the cause for the dispensation, but yet it was a direct dispensation; and it is just as if God should by His dominion resolve to take away the lives of the men in a whole nation, and should give leave to all mankind to kill all that people as fast as they could meet them, or when they had a mind to it. And this was the case of the sons of Israel, who had leave to kill the Canaanites and their neighbours. God dispensed with them in the matter of the sixth and eighth commandments; for it is not enough to say, that God as Lord of lives and fortunes, had devested them of their rights, and permitted them to others; for that is not enough, that God as Lord hath taken away the lives and liberties and possessions of any man, or community of men, for that act of dominion is not enough to warrant any man to execute the divine decree. Nay though God hath decreed and declared it concerning a crime that it shall be capital, yet a man must have more than this to make it lawful to put that man to death. He must be a minister of the divine jurisdiction; he must have a power intrusted to him from God, and a commission to execute the divine sentence; and from hence it follows undeniably, that since the delegate power is a delegate jurisdiction, and without this a man may not put a capital offender to death; that therefore the supreme power from whence the delegation is commissionated is also a power of jurisdiction; and therefore if the words of their own art are true, this leave given to do that which without that leave were a sin against the law of nature, is properly and truly a dispensation.

§ 9. γ) The third way of dispensing is by applying the power of a judge to a certain person or community, and by way of punishment to take from him what cannot be taken from him but by a superior power, or by the supreme. Thus we are commanded by the law of nature to give nourishment and to make provisions for our children; but if children prove rebellious and unnatural, God can command us to neglect that duty, and to expose them to the contingencies of fortune. It is by the law of nature commanded to us to love and honour our parents, to be loving and kind to our children; but if parents inticed their children to idolatry[m], their children might lay

[l] [Compare vol. vii. p. 274.]

[m] [Compare Deut. xiii. 6. "If thy brother . . . entice thee," &c.]

their hands upon them and stone them to death. It is a command and a prime rule of the law of nature that we should do as we would be done to; but even in this original rule and great sanction God did dispense with the Israelites, for they might not exact upon one another by usury, but to strangers they might; what they hated to have done to themselves they were willing and expressly permitted to do to others. In these and the like cases, although an act of dominion or judgment might intervene, yet that's not enough to warrant the irregular action; there must be an act of jurisdiction besides, that is, if God commands it or by express declaration warrants it, then it may be done. Thus God as a judge and being angry with David intended to punish him by suffering his concubines to be humbled by his son in the face of all Israel, but though he did it justly, yet because Absalom had no command or warrant to do what God threatened he was criminal. But Jeroboam and Jehu had commissions for what they did, though of itself it was otherwise violent, unjust, rebellious and unnatural, and therefore did need the same authority to legitimate it, by which it became unlawful. God often punishes a prince by the rebellion of his subjects[n]; God is just in doing it, but He hates the instruments, and will punish them with a fearful destruction unless they do repent: in this case nothing can warrant the subjects to strike, but an express command of God.

§ 10. Thus I conceive the thing itself is clear and certain; but for the extension of this, the case is yet in question, and it is much disputed amongst them that admit this rule in any sense, how many laws of nature can be dispensed with: for if all, then the consequents will be intolerable; if not all, by what are they separated, since they all seem to be established by the bands of eternal reason. Some say that the precepts of the second table are dispensable, but not the first; but that is uncertain, or rather certainly false: for if God did please He might be worshipped by the interposition of an image; or if he essentially should hate that, as indeed in very many periods of the world He hath severely forbidden it; yet the second commandment and the fourth have suffered alteration and in some parts of them are extinguished. Others say that the negative precepts are indispensable, but not the affirmative: but this is not true, not only because every negative is complicated with an affirmative, and every affirmative hath a negative in the arms of it; but because all the precepts of the second table, the first only excepted, are negative; and yet God can dispense with all of them as I have already proved.

§ 11. But though it be hard to tell how far this dispensation and economy can reach, and to what particulars it can extend, because God's ways are unsearchable, and His power not to be understood by us; yet since our blessed Saviour hath made up a perfect system of the natural law, and hath obtained to Himself an everlasting king-

[n] [See vol. iv. p. 268.]

dom, so that His law must last as long as the world lasts, and by it God will govern mankind for ever: by the eternal reasonableness and proportions of this law we can tell what is indispensable and what not; and the measure by which alone we can guess at it is this, every matter from whence the *ratio debiti*, or cause of the obligation can be taken is dispensable. Now because God is supreme over all His creatures, and can change all their affairs, and can also choose the manner of His own worship, therefore in these things He can dispense.

§ 12. But in that essential duty which His creatures owe to Him the case is different; for though God can exact more or fewer instances of affirmative duty, these or others, yet there cannot be an alteration of the main relation; and of the intrinsic duty, and the entercourse of the soul with God in the matter of the principal affections there can be no dispensation. It is eternally and indispensably necessary that we love God: and it were a contradiction that either God should command us to hate Him, or that we could obey Him if He did. For obedience is love; and therefore if we obeyed God commanding us to hate Him, we should love Him in hating Him, and obey Him by our disobedience.

§ 13. Now if it be enquired to what purposes of conscience all this enquiry can minister; the answer to the enquiry will reduce it to practice, for the proper corollaries of this determination of the question are these,

§ 14. *a*) That our duty to God is supreme; it is only due to Him, it cannot be lessened, and ought not upon any pretence to be extinguished; because His will is the only measure of our obedience, and whatsoever is in nature is so wholly° for God and for God's service, that it ought to bend, and decline from its own inclination to all the compliances in the world which can please God. Our reason, our nature, our affections, our interest, our piety, our religion are and ought to be God's subjects perfectly; and that which they desire, and that which we do, hath in it no good, no worthiness, but what it derives from the divine law and will.

§ 15. *β*) That in the sanction of the divine laws the reason obliges more than the letter: for since the change of the reason is the ground of all mutation and dispensation in laws, it is certain that the reason and the authority, that in the thing, this in God, are the soul and the spirit of the law; and though this must not be used so as to neglect the law when we fancy a reason, yet when the letter and the reason are in opposition, this is to be preferred before that. If the reason ceases it is not enough of warrant to neglect the law, unless a contrary reason arises, and that God cannot be served by obedience in that instance; but when the case is not only otherwise but contrary to what it was before, let the design of God be so observed as that

° [holy, A.]

the letter be obeyed in that analogy and proportion. It is a natural law that we should not deceive our neighbour, because his interest and right is equal to any man's else; but if God have commanded me to kill him, and I cannot by force get him into my hand, I may deceive him whom God hath commanded me to kill, if without such a snare I cannot obey the command of God. But this is but seldom practicable, because the reasons in all natural laws are so fixed and twisted with the accidents of every man's life, that they cannot alter but by miracle, or by an express command of God; and therefore we must in the use of this rule wholly attend upon the express voice of God.

§ 16. γ) It hence also will follow, that if an angel from heaven, or any prophet, or dreamer of dreams, any teacher and pretendedly illuminate person shall teach or persuade to any act against any natural law, that is, against any thing which is so reasonable and necessary that it is bound upon our natures by the Spirit of God, and the light of our reason, he is not to be heard: for until God changes His own establishments, and turns the order of things into new methods and dispositions, the natural obligations are sacred and inviolable.

§ 17. δ) From the former discourses it will follow, that the holy scriptures of the New testament are the light of our eyes, and the entire guide of our consciences in all our great lines of duty; because there our blessed Lord hath perfectly registered all the natural and essential obligations of men to God and to one another: and that in these things no man can or ought to be prejudiced; in these things no man is to have a fear, but to act with confidence and diligence; and that concerning the event of these things no man is to have any jealousies, because since all the precepts of Christ are perfective of our nature, they are instruments of all that felicity of which we can be capable, and by these we shall receive all the good we can hope for: and that, since God hath by His holy Son declared this will of His to be lasting, and never more to be changed by any succeeding law-giver, we must rest here, and know that no power less than God can change any thing of this, and that by this law we shall stand or fall in the eternal scrutiny.

RULE X.

THE LAW OF NATURE CANNOT BE DISPENSED WITH BY ANY HUMAN POWER.

§ 1. THE reason is, 1) because nature and her laws have both the same author, and are relative to each other; and these as necessary to the support and improvement of human nature, as nourishment to the support of human bodies: and as no man can create new appetites, or make hay or stones to be our nourishment, so neither can he make that our nature should be maintained in its well-being without these laws. 2) The laws of nature being bound upon us by the law of God, cannot be dispensed withal, unless by a power equal or the same, or superior to that which made the sanction: but that cannot be at all; therefore neither can they be dispensed with at all, unless it be by God himself. 3) Natural laws are all the dictates of natural reason, and he that dispenses with the law must have power to alter the reason; which because it can never be done but by superinducing something upon nature greater than her own natural need, and none can do this but God, therefore none but He can dispense.

§ 2. But because wise men have publicly said it, *per jus gentium et civile aliquid detrahitur de jure naturali*[p], 'by the law of nations and the civil laws something may be diminished from the law of nature;' it is to be considered what truth they could signify by those words: for unless by some instances of case they had seen it lawful, it is not to be supposed it could have been by so wise persons made sacred. But the following measures are its limit.

§ 3. 1) Whatsoever is forbidden by the natural law cannot be permitted by the civil; because where the highest power hath interposed, there the inferior and subordinate hath no authority: for all it hath being from the superior, it cannot be supposed it can prejudice that from whence it hath all its being; for if it could be otherwise, then either the inferior must be above the supreme, or the supreme must submit itself to what is under it.

§ 4. 2) Whatsoever is commanded by the law of nature cannot be forbidden by the civil law; for God who is here the law-giver is to be heard, and He sets up no authority against Himself, nor gives any man leave to disobey Him. These rely upon the same reasons, and are described above.

§ 5. 3) That which the law of nature hath permitted, and no more, may be made up into a civil law, or it may be forbidden, according to that rule in the law, *Quod licitum est ex superveniente causa mutatur*, 'that which is only lawful by a supervening cause may be

[p] L. Manumissiones, [Digest., lib. i. tit. 1. § 4. col. 2.] et l. Jus civile. ff. De justitia et jure. [§ 6. col. 2.] et in sect. 'Jus autem,' Instit. de jure natur. gentium et civili. [lib. i. tit. 2. col. 21.]

changed:' for rights are before laws in time and nature; and are only such licences as are left when there are no laws. Commands and prohibitions of nature not being the matter of civil laws, unless it be by way of corroboration, there can no laws be made in a natural matter unless there be restraints or continued permissions of their first rights. For that which in morality we call indifferent, in nature we call a right: that is, something that is permitted me to do or to use as I see cause for, is a thing upon which no restraint is made; that is, there is no law concerning it: but therefore the civil law may restrain it, because the liberty and its use may do mischief, and there is no law hinders it to be disposed by men. For if I may by my private power or interest use any of it or deny myself the use of it, much more may the civil power do it. I might not do it myself, if any law of God had forbidden me; but if no law of God hath forbidden, what can hinder but that the civil power may order it? such are natural liberty, community, powers of revenge, of taking any thing, of killing any man that injures me.

§ 6. 4) That which is confirmed by the law of nature, may by the civil power be altered and dispensed with: which happens in two cases.

α) When the obligation supposes a foregoing act of the will, and is arbitrary in one of the terms of relation. Titius owes a thousand pounds to Caius, and by the essential or natural laws of justice is bound to pay him; but because this supposes a private right in Caius, upon whom there is no restraint but he may use it or let it alone, therefore Caius being at his liberty may refuse to use his power of demanding the money of Titius, and forgive it him; and if he do, Titius, although bound by the natural law to pay him, is by the private power of Caius dispensed with. Because in obligations as in arguments, if there be one leg that can fail, the conclusion is infirm: if one part can be loosed, the continuity of the whole is dissolved.

β) The other case is like this: when the obligation is upon a condition, if the condition of itself fails or be annulled by any just power or interest, the obligation which was introduced by the law of nature can be rescinded or dispensed with: for nature binds and looses according to the capacity of the things. It passes a temporal band upon temporal reasons and necessities, and an eternal band upon that whose reason can never fail, and where the necessity is indeterminable. And if a natural law could bind longer than that reason lasts for which it did bind, then a natural law could be unreasonable, which is a contradiction. But then if the law does not bind in this case beyond the condition, then it is but improperly to be called a dispensation when it is relaxed: but it is usual to call it so, and it is well enough; for it means this great direction to conscience, that though the law of God be eternal, yet its obligation may cease in the foregoing cases. For even judges are said to dispense by interpreting the law, and applying that interpretation to particulars.

§ 7. 5) The civil law can extrinsically change the natural law; for things may be altered or cease by an intrinsic or by an extrinsic cause. A father ceases to be a father when he dies, and he ceases to be a father if all his children die; this alteration is by an extrinsical cause, but to all effects and purposes it is the same as to the present case. Now although nature cannot die, as species do not perish; yet nature may change, as individuals may die: that is, if the matter of the law be subtracted, or so changed that it is to be governed with another portion of reason, then the law also must cease as to that particular. For as in the body of man there is great variety of accidents and mutability of matter, but all that variety is governed by the various flexures of the same reason, which remains unchanged in all the complications and twistings about the accidents, and is the same though working otherwise; so it is in the laws of nature, whose reason and obligation remains unchanged, even when it is made to comply with changing instances: but then it cannot but be said to change, even as eternity itself hath successive parts by its coexistence with variety of times. Trebonianus swears to pay homage and acknowledgment for his villa of Ramola, and the royalties of Panizza, to his landlord Calander and to his heirs for ever: by the laws of nature he is now obliged, but if Calander and his heirs be dead, or the land and possessions be aliened, or swallowed up by an earthquake, or drowned in the sea, the law of nature cannot bind him to that which is not, the matter of the obligation is subtracted, and therefore he is disobliged.

§ 8. The sum is this: 1) when natural and prime laws are in prime and natural instances whose matter is unchangeable, there the law of nature cannot be prejudiced by any but by the Lord of nature: and the reason of this is no other but the necessity and constitution of nature. God hath made it so, and it is so to be served, so to be provided for; and the law is a portion of the eternal law, an image of the divine wisdom, as the soul is the image of the divine nature. But when the natural laws are in a matter that can be prejudiced, and do presuppose contract, cession, condition, particular states, or any act of will, whose cause is not perpetual, the law binds by the condition of the matter; and the eternal law goes from its own matter as the immortal soul does from the body. Thus we say that God's gifts are without repentance, and His love never fails, and His promises are for ever; and yet God does take away His gifts, and does repent of His loving-kindnesses, and takes away His love, and will not give what He had promised: but it is not because He changes in Himself, but the correlative of His actions and promises are changed.

§ 9. So that now upon this account the whole question and practice about the pope's power in dispensing in the natural law will appear to be a horrible folly without any pretence of reason, and the thing by its chiefest patrons seems not at all to be understood. For since

the rules of nature are unalterable and eternal, the laws being framed upon those rules complicated with matter, and persons, and events, is also external, excepting only where the matter is or can be changed. Now if the matter be in prime instances, as the conjunction of sexes, relation of parents and children, &c., the law is the same for ever; only this, if the matter by a miracle or extraordinary act of God be changed, by the same power the law is to be changed: but as we say rivers and seas run for ever, and yet Jordan was opened, and so was the Red sea, and the perpetual course of the sun and moon was once stopped, but it reverted when the extraordinary case was past; so it is in the law of nature, which in the prime instances and natural matter is as unalterable as the course of the sun and seas.

But 2) Sometimes the matter changes alone, or is changed to our hand, as in conditional contracts; and in this case the law ceases, and the obligation goes off as to that particular.

But 3) Sometimes the matter is changeable by the will of the interested persons, and by none else but themselves, and they who have over them the power which themselves have; such as God, and under Him, the supreme human power, their own princes. Now to apply this to the question of the pope's power in giving dispensations, I consider that, First,

To establish his power upon any words of scripture, is to pretend that his power of dispensing is an act of jurisdiction and direct authority, that is, that he hath commission to do it with or without reason or cause founded in the thing itself, but only because he will; and he that does so, says he can do more than (as many of the most learned Roman doctors say) God can do: for He dispenses in the law of nature in no case but when He changes the matter, in the prime or second instances of nature respectively, which when the pope can do he also may pretend to a commission of being lord of nature. But it is certain that for this there are no words of scripture. But secondly, if this power of dispensing be such as supposes the matter already changed, that is, that there is a just cause, which is of itself sufficient, but is not so to him who is concerned, till it be competently declared, then all the dispute will be reduced to this, whether he be the most probable doctor: for to expound when a natural obligation ceases, is not an act of power but of wisdom; and that the pope is the wisest man, or the only wise man, it is also certain that there are no words of scripture to affirm it. But besides this in cases of this nature, there needs no dispensation, for the law ceases of itself; as in contracts made upon condition, when the condition is not performed. In human laws where the subject is bound more by the authority than the matter of laws, the law may still be obligatory after the ceasing of the reason or matter of the law; and so there may be need of dispensation: but we speak here of laws bound on us by God and nature, in which the very ceasing of the matter of itself dispenses with the law. But thirdly, if it be yet more than this, and that in a changeable matter,

I mean in things that are not prime instances of nature and of lasting necessity, but in human contracts, promises, laws and vows, which depend upon the pleasure and choice of men, but yet are corroborated by the law of nature, he pretends to a power of altering the case so to make way for dispensation; then the pretence reaches to this, that the pope must be lord of actions and fortunes, and the wills of others and the contracts of men; that is, in effect, that no contract shall be valid unless he please; and no man shall choose for himself, or if he does he needs not stand to it; and no man can have a right transferred to him by a contract, but it can be rescinded against the will of the interested person: and if he can have any such power to do thus much mischief, then justice will be the most contingent thing in the world; and the question will not be a question of theology, but of empire, and temporal regard: and therefore for this no words of scripture can be pretended, because no words of scripture of the New testament ever did transfer an empire or temporal power to a spiritual person for a spiritual reason: so that this will be a question of war, not of peace and religion. To which I add this by way of provision, that although supreme princes have in some cases power to rescind contracts of their subjects, and parents of their children; yet this is only in their own circuits, done by mutual consent, in case of public necessity or utility, of which by reason and the laws they are made competent judges; which the pope also may have in his temporal dominions as well as any other prince: but this is not dispensation, but the annulling of contracts or promises; it makes them not to be at all, not to cease after they have a being, which is the nature of dispensation, of which we now enquire. But the matter of this question and the particular instance as it relates to the bishop of Rome is of another consideration.

§ 10. 6) The civil law can add to the law of nature, not only new obligations by affixing temporal penalties, but by requiring new circumstances to corroborate and consummate an action: not that the civil law of a prince or republic can annul any thing which nature hath confirmed, but it can hinder it from passing into a civil and public warranty. Thus a clandestine contract is valid by the law of nature, and in the court of conscience there are witnesses and judges and executioners and laws and penalties to exact the performance of it: but when the civil or ecclesiastic law hath commanded that in all contracts of marriage there should be witnesses, it must mean that the contract shall not be acknowledged for legitimate unless there be; and therefore that the contract must be solemnly published before it be civilly firm. No civil power can so enjoin witnesses as that if the contract be made without witnesses it shall not be obligatory in conscience; for this obligation is before the civil law, and is bound by that power by which the civil power hath a being. But the civil power which cannot annul the act of nature and conscience, can superinduce something upon it. It cannot make the contractors to

go back from what they have done, but to proceed to something more, that what was firm in the inward may be confirmed in the outward court. By our laws the clandestine contract is civilly null before publication; but in our religion we believe it obligatory in conscience, and that it must come into publication. But by the laws of Rome the whole contract is nullified, and the persons disobliged, and the marriage after consummation is dissolved. This is against the law of nature, but the other is a provision for it by additional security, that is, a taking care that the contracts of nature may not be denied. For the confirmation of a natural contract nothing is necessary but a natural capacity not hindered by the Lord of nature. Whatsoever therefore is superinduced upon nature cannot disannul that to which all things competently necessary are ingredient; a condition brought in by a less power cannot invalidate that which before that condition was valid: but as civil powers derive their authority from natural laws and reason, so to these they must minister, and they may do it by addition and superfetation; but they may not violate them by irritation.

RULE XI.

THAT THE OBLIGATION TO A NATURAL LAW DOES CEASE IN ANY PARTICULAR, IS NOT TO BE PRESUMED BY EVERY ONE, BUT IS TO BE DECLARED BY THE PUBLIC VOICE

§ 1. THIS depends upon the foregoing discourses and is consequent to them. For the several dispensations in the law of nature being wrought by the change of their subject matter, the rule can never be changed, because that is eternal and is abstract from matter; but the law may be dispensed with, because that is twisted with matter which is not eternal. But then, because the several matters of laws can be changed by several powers respectively, that power which alters the matter, and consequently dispenses with the law, must by some evidence or other make the change apparent. If God by His power alters the case, and dispenses in the law, He also is to declare it; because He must do more, for He must give expressly a leave to do proportionable actions: He having bound us to the law of nature, leaves us so till He tells us otherwise: and the same also is the case if the matter be changed by man; for by the law of nature we being bound to obey laws and perform contracts, must remain so bound till he that holds the other end of the string lets it go or tells us it is

untied; because he hath an interest in it, which must not depend upon the reason of another, but upon that which is common to both. For although we all agree that every rule of nature is unalterable, and every law is to be observed, yet in every thing where a change can be pretended, every man's reason is equal; and therefore is not to be made use of in relation to others. For we all agree that theft is evil, but whether this action or this detention be theft, men's reasons oftentimes cannot agree; and since every man's reason hath the same power and the same privilege, no man's single reason can determine, because there is no reason why yours more than mine. But therefore it is that there must be some common reason to declare the case, and the man to be at liberty, and the law to be loose.

§ 2. This hath no other variety in it but this, that although the public voice must declare concerning those instances that concern that matter of laws natural which is in her keeping, as God is to do in those in which only He hath immediate power; yet every private man can declare the obligation of a natural law to be loose when he holds one end of the string. If by a natural law Caius be tied to do me an act of kindness and justice, it is my right; and as long as I will demand it, I hold the band of the natural law in my hand: but if I let it go, and will quit my right, the obligation is off, because the matter is substracted. The reason of all is the same. No man is a good judge in his own case where there is the interest of another twisted with it: and it is unequal that my reason should govern my neighbour's interest, or that his should govern mine; this would be an equal mischief, and therefore something indifferent to both must turn the balance, that there may be equal justice and equal provision. But if a man will quit his right there is no wrong done. He can sufficiently declare his own will and acts[1] of kindness, and then the law that combines with the matter takes the same lot.

RULE XII.

THE EXACTNESS OF NATURAL LAWS IS CAPABLE OF INTERPRETATION, AND MAY BE ALLAYED BY EQUITY, AND PIETY, AND NECESSITY.

§ 1. WHATSOEVER can be dispensed withal, is either dispensed with by an absolute power of jurisdiction, or for some cause in the

[1] ['and the acts,' C, D.]

nature of the thing: and if the laws of nature can cease to oblige without reason, but by the will and the command of the supreme, or God himself, much more may the same will and power do it when there is also a reason; and if there be a reason to take off the obligation wholly in some particulars, then much rather may there be a cause to take off some part of the exactness upon a proportionable cause. If it may be dispensed with, it may also be interpreted by equity; for this is less than that in the same kind. Every man is bound to restore his neighbour's goods when they are demanded; but if he calls for his sword to kill a man withal, there is equity in this case, and I am not guilty of the breach of the natural law if I refuse to deliver him the sword when he is so violent and passionate. To pay debts is a natural law; but if a rich man calls for a sum of money which is his due, and I by paying him to-day shall be undone, and he by staying till next week shall not be undone, I do not break the law of nature if I detain the money a little longer and offer him satisfaction for the wrong, if he have received any. I promised my brother to see him upon the ides of March; in my journey to him I broke my leg: now though I by the natural law am bound to perform promises, and it is possible that for all my broken leg, I might get to him by the time, yet there is equity in it and piety that I forbear to go with so great an inconvenience. *Surgam ad sponsalia quia promisi, quamvis non concoxerim, sed non si febricitavero: . . subest, inquam, tacita exceptio, si potero, si debebo:* said Seneca[m]. There is an equity and a reasonableness in all these things. *Effice ut idem status sit cum exigitur, qui fuit cum promitterem:* if the case be when I am to perform as it was when I promised, then I am bound *pro rata portione:* that is,

§ 2. 1) If it become impossible, I am wholly disobliged.

§ 3. 2) If it become accidently unlawful, I am dispensed with.

4. 3) If it become intolerably inconvenient, I am in equity to be relieved. For in these cases it is no breach of promise, but I am just if I desire to do it, and in the degree in which I am disabled, in the same I am to be pitied. *Destituere levitas non erit, si aliquid intervenerit novi; . . eadem mihi omnia præsta, et idem sum*[n]*:* 'it is not levity when I am the same, but my powers and possibilities are changed or lessened.'

But this is to be understood and practised with these limitations:

§ 5. 1) Not every change of case can excuse or lessen or alter the obligation, but such a change as makes the person pitiable, or the thing more vexatious to the doer than it could be of advantage to the other.

[m] De benef., lib. iv. [cap. 39. tom. i. p. 742.] [n] [ibid.]

§ 6. 2) If the cause does not continue, the first equity does not disannul the obligation, but defers it only, and it returns when the cause ceases.

§ 7. 3) The obliged person as he is not wholly disobliged for the time, so neither for the thing itself; for if it be matter of interest, though without violation of nature's law it may be deferred, and does not bind the man to a guilt, yet it does to a new duty, the duty of giving satisfaction to him who suffered injury; for since in the law of nature all men's rights are equal, it is unnatural and unjust that to one there should be remission and ease and to the other a burden. For no man is to be better by the hurt and injury of another.

§ 8. 4) If the cause be less, or if it be more, it ought not to be done unless an interpretative leave be justly or reasonably presumed. In a great matter every man is presumed so charitable as to be willing to comply with his brother's need or sad accident: but if it be less, then the interpretative leave must be presumed upon the stock of friendship or experience, or something upon which wise men usually rely. Only in this case, the presumption ought to be less confident, and more wary.

§ 9. This rule is to be understood principally in matters of justice and relative entercourses; for in matters of religion and sobriety the case is different, because in natural religion and natural measures of sobriety which are founded *in prima natura*, in the very constitution of man's soul and body, in the first laws of God, and the original economy of the body, the matter is almost as unalterable as the rule.

CHAP. II.

OF THE LAW OF NATURE, OR OF ALL MANKIND,

AS IT IS COMMANDED, DIGESTED, AND PERFECTED.

BY OUR SUPREME LAWGIVER

JESUS CHRIST.

VIZ.

OF THE CHRISTIAN LAW, THE GREAT RULE OF CONSCIENCE.

RULE I.

WHEN THE LAW OF JESUS CHRIST WAS ESTABLISHED, THE OLD TESTAMENT, OR THE LAW OF MOSES, DID NO LONGER OBLIGE THE CONSCIENCE.

§ 1. THE doctors of the Jews[o] say that at the command of a prophet, that is, of one that works miracles, it is lawful to break any commandment, that only excepted which is concerning the worship of one God. Thus at the command of Joshua the children of Israel brake the precept of the sabbath at Jericho[p], and Samuel[q] and Elias[r] offered sacrifice in places otherwise than the law appointed, and the priests in the temple did kill beasts and laboured upon the sabbath, and yet were blameless: and *Circumcisio pellit sabbatum*, was their own proverb[s], on the sabbath they circumcised their infants; and the prophet Jeremy was author to the Jews *in secunda domo*, that is, after they were taken captive, that they should change their computation by months, and not begin with Nisan.

§ 2. For God being the supreme lawgiver hath power over His own laws, as being a creator He hath over His own creation; He that gave being can take it away, and the law may be changed though God cannot. For God is immutable in His attributes, but His works have variety, and can change every day; as light and darkness suc-

[o] Talmud. tit. de Synedrio. [Martini 'Pugio fidei,' part. iii. dist. 3. cap. 12. § 7.]
[p] [Josh. vi.]
[q] [1 Sam. vii. 17; xiii. 8.]
[r] [1 Kings xviii. 19.]
[s] [R. Eliezer, in Mechiltha, apud Ugolin. thesaur. antiq. sacr., tom. xiv col. 576; R. Akiba, in tract. talmud. de sabbato, per Sebast. Schmidt, cap. xix. p. 47. ed. 4to. Lips. 1670; Mischna, tit. de sabbato, cap. 19. tom. ii. p. 62. ed. fol. Amst. 1698—1703.]

ceed each other, and summer and winter, and health and sickness, and life and death, and perfect and imperfect; and He that commanded all men not to kill, might give a commandment to Abraham that he should kill his son, and when He had established the law of Moses, it was in His power, without any imputation or shadow of change, to give the world a new law, and a better.

§ 3. To this purpose our blessed Lord was indued with power from on high to give a new law, for He was a great prophet, and did many and mighty miracles, and advanced the spiritual worship of the only true God; and brought men from childish and imperfect usages, to the natural, spiritual, manly, and perfective manner of worshipping God: and therefore it was necessary that a change should be made: for in Moses' law the rites were troublesome and imperfect, chargeable and useless, not able to wash away sins, nor to perfect the spirits of the saints; it exhibited nothing substantial, but by shadows pointed at the substance to be revealed afterwards; it was fitted to the weakness of imperfect people, and in some very great instances was exceeded by the lives and piety of some excellent persons, as Moses and David, who by humility, meekness, forgiveness, and charity, did acts of piety beyond the precepts of the law; and many did not divorce their wives, and yet by their law all were permitted to do it: for it might be said of Moses as by the lawgiver of whom Origen[t] speaks, who being asked if he had given to his citizens the best laws, he answered, ὅτι οὐ τοὺς καθάπαξ καλλίστους, ἀλλ' ὧν ἠδύνατο τοὺς καλλίστους· 'not absolutely the best, but the best he could,' considering the incapacity and averseness of his citizens: so did Moses, he gave a better law than ever was before, and the best which that people and the state of things could then bear; but it was but for a time, and the very nature of the law required a better to succeed it, and therefore He that came and gave a better was not to be rejected, because He disannulled the worse: εἰ δὲ οὗτοι μὲν πρὸς τὸν κατὰ φύσιν λεγόμενον μέσον βίον ἀφορῶντες καὶ ἃ προσίοιντ' ἂν καὶ οἱ πολλοί, οἷς τὰ ἐκτὸς ὡς τὰ ἀγαθὰ ἢ κακά, καὶ τὰ τοῦ σώματος ὡσαύτως ὑπείληπται, νομοθετοῦσι, τί τὶς ἂν τὸν τούτων παραφέρων νόμον ἀνατρέπει βίον· 'if other lawgivers,' saith Porphyry[u], 'regarding that middle kind of life which is said to be according to nature, and to those things of which men are capable, who esteem things good or evil by proportions of the body, have given laws symbolical, yet what hurt does he that brings in better?'

§ 4. 1) For first, it is certain, God himself did permit some things in Moses' law which Himself had no pleasure in: I instance in the matter of divorces, of which God by the prophet[x] said, "I hate putting away."

§ 5. 2) The promises of Moses' law, in which the whole obedience was established, and for which it was exacted, were wholly temporal

[t] Adv. Cels., lib. iii. [tom. i. p. 499.] p. 45.]
[u] Lib. i. de non esu anim. [cap. 28. [x] [Mal. ii. 16.]

and related to this life; and when the prophets and holy men of the nation began to speak openly of resurrection from the dead, and a life to come, it was an open proclamation of the imperfection and change of that law, by which nothing of that was promised and nothing at all spoken of, by which mankind should by obeying God arrive to that felicity which all wise men did suppose God did design to him.

§ 6. 3) Although good things for this life were promised by the law of Moses, yet toward the end and expiration of it the nation suffered a new dispensation of things; and the godly men were often persecuted, and the whole nation continually baffled and subdued by him that would; by the Assyrians and Chaldæans, by the Persians and by Antiochus, by the Syrians and the Romans, and therefore it was necessary they should expect some better covenant which should be verified in the letter, and make recompence for the calamities which their best men here did suffer.

§ 7. 4) The laws of Moses were such which were not of things naturally and originally good, but which did relate to time and place and person, but it was a law without which many ages of the world did live, and after it was established it did only bind that people; for neither did Moses persuade his father-in-law Jethro to receive that law, neither did the prophet Jonas persuade it to the Ninevites, nor the prophets ever reprove the not observing it, in the Assyrians, or Egyptians, the Idumeans and Moabites, the Tyrians and Sidonians, or any of their neighbours, whose vices they oftentimes reproved severely; and the best men of the first and second world, Abel and Enoch, Noah and Melchizedec, Sem and Job, Abraham and Isaac, Jacob and Joseph, knew nothing of it, and yet were dear to God. But if the law had consisted of essential prime and natural rectitudes, it had been always and every where; and if it consist not of such, it is not fit to be lasting, but itself calls for a change when all the body and digest of laws, excepting some few that were before that law and shall be for ever, either were experiments of their obedience, or significations of some moral duty implied in the external ritual, or compliances with a present necessity, and to draw them far from imitation of the vile customs of the nations, or were types and shadows of something to come thereafter.

§ 8. 5) The law of Moses was a covenant of works, and stipulated for exact obedience, which because no man could perform, and yet for great crimes committed under Moses' law there was there no promise of pardon, no solemnity or perfect means of expiation, by the nature of things and the necessity of the world and the goodness of God a change was to be expected.

§ 9. 6) That their law and covenant should be changed was foretold by the prophets, particularly by the prophet Jeremiah[y], "I will make a new covenant with you in those days, and in your minds will

[y] [Jer. xxxi. 31, &c.; Psalm l., li., xl.]

I write it:" and when God had often expressed His dislike of sacrifices, in which yet the greatest part of the legal service was established, God does also declare what that is which He desires instead of it; even no other than the christian law, "that we should give to every one their due, and walk humbly with God[z];" that they should obey Him, "and give Him the sacrifice of a contrite and a broken heart:" and if this be not a sufficient indication of the will of God for the abolition of the mosaic law, then let this be added which was prophesied by Daniel[a], "The Messias shall cause the sacrifice and the oblation to cease."

§ 10. 7) It was prophesied[b] that in the days of the Messias the gentiles also should be the people of God: but therefore they were to be governed by a new law, for Moses' law was given to one people, had in it rites of difference and separation of themselves from all the world, and related to solemnities which could not be performed but in a certain place, and a definite succession and family; which things being the wall of partition and separation because Christ hath taken away or confounded in an inseparable mixture and confusion, God hath proclaimed to the Jews that Moses' law is not that instance of obedience in which He will be any longer glorified.

§ 11. From these premises the pretence of the Jews for the eternity of Moses' law will be easily answered. For whereas they say that God called it 'an everlasting covenant;' it is certain that even amongst the Jews, the word 'everlasting' did not always signify 'infinitely,' but to a certain definite period. For the law relating to the land of their possession, in which God promised to them an everlasting inheritance; as their possession of the land is everlasting, so is the covenant, and they expired together: for all the demonstrations of the Spirit of God, all the miracles of Christ and His apostles, all the sermons of the gospel, all the arguments which were taken from their own books could not persuade them to relinquish Moses' law and adhere to Christ: and therefore when all things else did fail, God was pleased to give them a demonstration which should not fail; He made it impossible for them to keep Moses' law, for He broke their law and their nation in pieces. But as to the word 'everlasting,' and 'eternal,' it was usual with them to signify but to the end of a life, or of a family, and therefore much rather of a nation. The band of marriage is eternal, but it dies with either of the relatives; and the oath of allegiance is for ever, but that for ever is as mortal as the prince. Thus also in Moses' law[c], 'The servant whose ear was bored should serve for ever,' that was but till the year of jubilee; and Hannah carried up her son to the temple when he was weaned that he might abide there for ever[d]. Thus the priesthood of Phine-

[z] [Isa. i., Jer. vii., Micah vi.]
[a] [chap. ix. 27.]
[b] [Jer. xxiii., Isa. xliii., Malach. i. 11.]
[c] [Exod. xxi. 6.]
[d] [1 Sam. i. 22.]

has was said to be for ever, but God who said that he "and his posterity should walk before the Lord for ever[e]," did put a period unto it in Eli. But besides this, it is observable that the law and covenant of Moses according to the manner of speaking of that and other nations is used to distinguish it from the more temporary commands which God gave to persons and to families, and to the nation itself in the wilderness, which were to expire as it were with the business of the day, but this was to be for ever, even as long as they enjoyed a being in the land of their covenant: for thus we distinguish the laws of peace from the orders of war; those are perpetual, to distinguish from the temporality of these.

§ 12. These arguments are relative to the Jews, and are intended to prove the abrogation of Moses' law against them. But to Christians, I shall allege the words and reasons of the New testament, so far as the thing itself relates to conscience. For not only the Jews of old, but divers christian bishops of Jerusalem, fifteen in immediate succession, did plough with an ox and an ass, and were circumcised[f]; the converted Pharisees, the Ebionites[g], the Cerinthians and the Nazaræi[h] still did believe that Moses' law did oblige the conscience: and amongst us there are or have been a great many Old testament divines, whose doctrine and manner of talk, and arguments, and practices have too much squinted toward Moses.

§ 13. But against all such practices or pretences I produce the decree of the apostles at Jerusalem in the question of circumcision, the abrogation of which disannuls the whole law; "for I Paul say unto you, if ye be circumcised ye are debtors to keep the whole law:" therefore by a parity of reason, we are not debtors to keep the law, when that great sacrament and sanction of the law is annulled. To this purpose are those frequent discourses of the holy scriptures of the New testament: "the law and the prophets were until John[i], since that time the kingdom of God is preached:" where the two terms of the law and the gospel are expressly described, John the baptist being the common term between them both, so that "now we are not under the law, but under grace[j];" "we are dead to the law[k]," and that band being separate, we are married to a new husband, even to Christ, "who is also our high-priest, after the order of Melchizedec, not after the order of Aaron; but then the priesthood being changed there is made of necessity a change also of the law[l];" for this was not to last but till Christ's coming, "for the law was given but till the seed should come:" till then 'we were under the law as

[e] [1 Sam. ii. 30.]
[f] ['Εκ περιτομῆς,—Euseb. H. E. iv. 5.]
[g] Iren., lib. i. cap. 26. [p. 105.] Hieron. ad Augustin., epist. lxxxix. [al. lxxiv. tom. iv. part. 2. col. 623.] Euseb. hist. eccles., lib. iii. [cap. 27.]
[h] Epiphan., hæres. xviii. [p. 38 sqq.] hæres. xxviii. [p. 110,—6.] hæres. xxx. [p. 125 sqq.] hæres. lxvi. [p. 693 sqq.] Damasc., verb. 'Nazaræi.' [De hæres., cap. xxix. tom. i. p. 82 D.] August. hæres. viii. et ix. [tom. viii. col. 7.]
[i] [Luke xvi. 16.]
[j] [Rom. vi. 14.]
[k] [Rom. vii. 4.]
[l] [Heb. vii. 11, 12.]

under a school-master[m],' but 'when faith came, we are no longer under this pædagogy:' it was but 'until the time appointed of the Father;' and to this purpose S. Paul spends a great part of the epistles to the Romans and Galatians. For one of the great benefits which we receive by the coming of Christ is that we are now treated with by a covenant of faith, that is, of grace and pardon, of repentance and sincere endeavours; the covenant of Moses being a prosecution of the covenant of works, can no longer oblige, and therefore neither can the law; for the law and the covenant were the constitutive parts of that whole entercourse, they were the whole relation, and this is that which S. John said[n], "The law came by Moses, but grace and truth came by Jesus Christ:" and ever since He was made our Lord and our king He is our lawgiver and we are His subjects, till the day of judgment, in which "He shall give up the kingdom to His Father."

§ 14. But the greatest difficulty is behind; for not all Moses' law is disannulled, for some is enjoined by Christ, and some is of eternal obligation; and such the decalogue seems to be: the next enquiry therefore is, what part of Moses' law is annulled by Christ. To this I answer by parts.

RULE II.

THE CEREMONIAL LAW OF MOSES IS WHOLLY VOID.

§ 1. For this is that hand writing of ordinances which Christ nailed to His cross, and concerning this we have an express command recorded by the apostle[o], "Let no man judge you in meat or in drink, or in respect of an holy day, or of the new moon, or of the sabbath days:" and concerning the difference of meats not only their own doctors say, the precept of Moses is not obligatory any where but in Palestine, but they have forgot the meaning of the names of some of them, or at least dispute it, which is not likely they would so strangely have lost, if the obligation also had not been removed. But as to us the case is confessed: for all the arguments before alleged proceed of this part of the mosaic law, if of any, this being chiefly made up of umbrages, figures, and imperfect services, relative to place and time, to families and separate persons, such which every change of government could hinder, and which in the conflict and concussion with other laws did ever give place, even in that time when they were otherwise obligatory, which 'could not cleanse the

[m] Gal. iii. [19-25.] [n] [i. 17.] [o] [Coloss. ii. 16.]

conscience, nor take away sins;' but were a burden made to teach something else, like letters written upon little cubes, or given as appellatives to slaves that the children who were waited on by them might learn the alphabet[p]; but else they were a trouble to no real perfective purpose of our spirits.

Quest.

§ 2. I know but of one difficulty which this thing can meet with, and that is made by the scrupulous enquiries of some tender or curious persons, who suppose the difference of meats not to be so wholly taken away, but that still under the laws of the gospel we are bound to abstain from blood and from things strangled; pretending for this scruple the canon of the apostles at Jerusalem[q], which enjoins this abstinence, and reckons it amongst the τὰ ἀναγκαῖα, things necessary: and this was for a long time used and observed strictly by the Christians; of which we have testimony from that law of Leo the emperor[r], where having forbidden the use of blood stuffed in the entrails of beasts, he affirms that in the old law and in the gospel it was always esteemed impious to eat it. And this was not only for the present, and for compliance with the Jews, that by the observance of some common rites the gentile converts might unite with the believing Jews into one common church: but they supposed something of natural reason and decency to be in it; and the obligation to be eternal, as being a part of that law which God gave to Adam, or at least to Noah after the flood; for they who use to eat or drink blood are apt to degenerate into ferity and cruelty and easiness of revenge; and if Origen's fancy had been true, it had been very material, for he supposed that the devils were fed with blood: but however, certain it is that the church did for divers ages most religiously abstain from blood, and it was the great argument by which the primitive Christians did confute the calumnies of the heathens imputing to them the drinking of human blood; they could not be supposed to do that, who so religiously abstained from the blood of beasts, as we find it argued in Tertullian[s], Minutius[t], and Eusebius[u], who also tells of Biblis[x] that she rather would die than eat blood in a pudding; and in the canons commonly called apostolical[y] it is forbidden to a clergyman to eat blood, under pain of deposition, to a layman under excommunication; which law was mentioned and supposed obligatory in the second canon of the council of Gangra[z], and long after by the canon of the council in Trullo[a], by the council of Worms under

[p] [Philostr. in vit. Herod. Attic., cap. x.]
[q] Acts xv. [20.]
[r] Novel. lviii. [p. 114. ed. 8vo. Par. 1560.]
[s] In Apol. cap. ix. [p. 10 A.]
[t] In Octavio. [cap. xxx.]
[u] Eccles. hist., lib. v. c. 1. [p. 203.]
[x] [al. 'Biblias.']
[y] Can. lxiii. [al. lv. Coteler. patr. apost., tom. i. p. 450.] Vide etiam Clement. Alex., Pædag. lib. iii. cap. 3. [p. 267.] Niceph. [hist. eccles., lib. iv. cap. 17.] et idem videre est apud Lucianum in Peregr. [cap. xvi. tom. viii. p. 273.]
[z] [Concil., tom. i. col. 533 D.]
[a] [Sive Quinisext., can. lxxvii. tom. iii. col. 1685.]

Ludovicus Pius, *cap. lxv.*[b], by Pope Zechary in his epistle to Boniface[c]; and from hence the penitential books had warrant enough to impose canonical penances upon them that did taste this forbidden dish: and that they did so is known and confessed.

§ 3. But to the question and enquiry, I answer, 1) That the abstinence from blood is not a law of nature or of eternal rectitude; as appears, first in that it was not at all imposed upon the old world, but for a special reason given to the posterity of Noah to be as a bar to the ferity and inhuman blood-thirstiness of which the old giants were guilty, and possibly others might afterwards. For the Jews reckon but six precepts given to Adam and his posterity after the fall[d]. The first against strange worship. The second of the worshipping the true God. The third of the administration of justice. The fourth of disclosing nakedness, or a prohibition of uncleanness. The fifth against shedding blood. The sixth against theft: and indeed here are the heads of all natural laws; but because the old world grew cruel to beasts, and the giants were degenerated into a perfect ferity, and lived on blood, therefore it pleased God to superadd this to Noah, that they should not eat blood; that is, that they should not eat the flesh of beasts that were alive, that is, flesh with the blood: and it is not to be despised that the drinking of blood is not forbidden, but the eating only; meaning that the blood was not the main intention of the prohibition, but living flesh, that is, flesh so long as the blood runs from it: 'flesh with the life thereof,' that is, 'with the blood[e],' so run the words of the commandment; and therefore the doctors of the Jews expressed it by the not tearing a member of any live creature, which precept was the mounds of cruelty, God so restraining them from cruelty even to beasts, lest they might learn to practise it upon men. For God sometimes places some laws for defensatives to others, and by removing men afar off from impiety He secures their more essential duty. 2) But even this very precept is by all the world taught to yield to necessity and to charity, and cruelty to beasts is innocent when it is charity to men: and therefore though we do not eat them, yet we cut living pigeons in halves and apply them to the feet of men in fevers[f], and we rip the bellies of sheep, of horses, of oxen, to put into them the side of a paralytic; and although to rude people and ignorant such acts of security were useful, yet to Christians it is a disparagement to their most excellent institution, and the powers and prevalencies of God's spirit, to think they are not upon better accounts secured in their essential duty. The Jews were defended from idolatry by a prohibition even of making and having images, but he is but a weak Christian who cannot see pictures without danger of giving them worship. 3) The secret is explicated by

[b] [tom. v. col. 746 A.]

[c] [Epist. i. cap. 3. concill., tom. iii. col. 1882.]

[d] [See Selden, de jur. nat. et gent., lib. i. cap. 10.]

[e] [Gen. ix. 4.]

[f] [Compare Evelyn's life of Mrs. Godolphin, p. 148. ed. 8vo. Lond. 1848; Pepys' Diary, vol. ii. p. 224. ed. iii. 8vo. Lond. 1848, 9.]

God in the place where He made the law: it was first, a direct design to introduce mercy into the world, by taking care even of beasts; and secondly, it was an outer guard against the crime of homicide: and Irenæus, Tertullian, S. Cyprian, and S. Ambrose expound the meaning of the whole affair to be nothing else but a prohibition of homicide; for as God would have men be gentle to beasts[g], so if beasts did kill a man, it should be exacted of them[h]: neither the man's dominion over the beast could warrant his cruelty over them, nor the want of reason in beasts bring immunity if they killed a man, and the consequent and purpose of both these is expressed, ver. 6, "whoso sheddeth man's blood, by man shall his blood be shed;" and all this put together is a demonstration how dear lives are to God: even the life of beasts is in one sense sacred; for even then when they were given to man for food, yet the life was not, they must first be dead before they might be eaten, but therefore the life of man was sacred in all senses, and should be required of man and beast. But that God doth even take care for oxen in the matter of life, appears in this prohibition, "flesh with the life thereof ye shall not eat;" that is, you shall not devour the flesh even while it is alive, for the blood is the life thereof; that is, when the blood is gone you may eat, till then it is presumed to be alive. Now there can be no other meaning of the reason, for if blood were here directly prohibited to be taken and drunk or eaten, this reason could not have concluded it, 'because it is the life, therefore you may not eat it,' being no better an argument than this; 'you may not eat the heart of a beast, for it is the life thereof;' but the other meaning is proper, 'ye shall not eat flesh with the blood which is the life thereof,' that is, so long as the blood runs, so long ye must not eat; for so long it is alive, and a beast may be killed but not devoured alive. So that the prohibition of blood is not direct in the precept, but accidental; blood is forbidden as it is the sign of life and the *vehiculum* of the spirits, the instruments of life[i]; and so long as it runs, so long the life abides ordinarily; and therefore Zonaras in his notes upon the council of Gangra[j] expounds the word αἷμα or blood supposed in that canon as unlawful to be eaten or drunk, by ἐξ ἐπιτηδεύσεως ἑψόμενον καὶ πηγνύμενον, blood diligently or fast running or following the wound[k], and thick; that is, as I suppose, blood digested, to distinguish it from *serum sanguinis*, or the watery blood that is seen in beasts after they have bled, that they might not have scruple in minutes and little superstitions: χωρὶς ἐπιτηδευτοῦ αἵματος, 'without active blood,' so Balsamo[l]: and it is not impertinent to the main enquiry that it be observed that the Jews use 'life' instead of 'blood,' and so does the vulgar Latin, that we might the easier understand the meaning

[g] [ver. 4.]
[h] [ver. 5.]
[i] Vide S. Aug. contra adversarium legis et prophetarum. [lib. ii. cap. 6. tom. viii. col. 592.]
[j] [Apud Bevereg. synodic., tom. i. p. 418 A.]
[k] ['de industria decoctum,' interpr. Gentian. Hervet.]
[l] [ibid., p. 417 F.]

to be of 'life,' or 'living blood.' But then this is nothing to eating the blood when the beast is certainly dead, and therefore it is observable that they who did make a scruple of eating blood did not all of them make a scruple of eating things strangled in which the blood remained; and therefore in some copies of the apostolical decree mentioned Acts xv. the word πνικτοῦ or 'strangled' is left out, and S. Austin[m] observes that in his time in Africa the Christians did not severely abstain from things strangled. For if the case were the same between blood running and blood settled and dead, then the reason of the commandment were nothing or not intelligible; and besides it would breed eternal scruples, since in the very killing of beasts there will some blood remain, and in the neck pieces and some veins every body hath observed some blood remaining even after the effusion by the knife. 4) This could not be a law of nature, because not mentioned by Christ in all His law, which I have already proved to be a perfect digest of the natural law: only that sense of it which I have now given is involved in a law of nature, and consequently enjoined by Christ, viz. under the precepts of mercy, according to that saying of the wise man[n], 'a good man will be merciful to his beast:' and the Athenians put a boy to death because he took delight to prick out the eyes of birds and so let them fly for his pastime, as supposing that he who exercised his cruelty upon birds being a boy would in time destroy men too. 5) Upon the account of this interpretation we are to distinguish the material part from the formal; the blood as it is such a substance from the blood as it is alive: just as the εἰδωλόθυτα are to be differenced; for to eat the meat when it is sold in the shambles is a thing indifferent, said S. Paul[o], though it was offered to idols; but this very meat might not be eaten in the temples, nor any where under that formality, as S. Paul there discourses; and therefore what the apostles in their letter to the churches call εἰδωλόθυτα[p], S. James in the decision of the question calls ἀλισγήματα τῶν εἰδώλων, 'pollutions of idols,' that is, all communications in their idolatrous portions and services; and so it is for blood, abstain from life-blood, or blood that runs while the beast is dying, that is, devour not the flesh while the beast is alive, be not cruel and unmerciful to your beast: but if blood be taken in its own materiality when the beast is dead, it may be eaten as other things, without scruple; they being both in the same sense as in the same obligation:

αἷμα δὲ μὴ φαγέειν, εἰδωλοθύτων δ' ἀπέχεσθαι[q].

There is a letter and a spirit in both of them. 6) One thing only I shall add to make this appear to have been relative, temporal, and ceremonial; and that is, that when God was pleased to continue the command to the sons of Israel in Moses' law, He changed the reason, only

[m] [Contr. Faust. Manich., lib. xxxii. cap. 13. tom. viii. col. 457.]
[n] [Prov. xii. 10.]
[o] [1 Cor. x. 25.]
[p] [Acts xv. 20.]
[q] Phocyl. [?]

reciting the old reason for which it was imposed to the posterity of Noah, and superadding a new one as relating to themselves: "For the life of the flesh is in the blood, and I have given it to you upon the altar to make an atonement for your souls; for it is the blood that maketh an atonement for the soul[r]." So that to the blood there was superadded a new sacredness and religion, it was typical of the great sacrifice upon the cross, the blood of which was a holy thing, and it was also instrumental to their sacrifices and solemnities of their present religion: and therefore this ritual is to cease after that the great sacrifice is offered, and the great effusion of blood is past. But as they had a new reason, so also had they a new injunction, and they were interdicted the eating of any thing strangled: which they taking to be a pursuance of the precept given to Noah, were the more zealous of it; and lest their zeal might be offended, the first Christians in their societies thought fit to abstain from it. But this ever had a less obligation than the former, and neither of them had in their letter any natural obligation; but the latter was introduced wholly upon the levitical account, and therefore did cease with it. 7) After this so plain and certain commentary upon this precept I shall the less need to make use of those other true observations made by other learned persons; as that this canon was made for a temporary compliance of the gentile proselytes with the Jewish converts; that this was not a command to abstain from blood, or strangled, but a declaration only that they were not obliged to circumcision, but they already having observed the other things, it was declared they need go no further; that whereas these things were said to be necessary, ἐπάναγκες, the meaning of the word is not absolute but relative; for it is ἐπ' ἀνάγκης ἔχειν, 'to have a thing under some necessary condition,' and so it happened to them to whom the apostles wrote; for they were gentile proselytes before they were Christians, and so were tied to observe the seven precepts of Noah before the Jews would converse with them, and therefore that this did not concern the gentiles after they were an entire church; for although it did while the separation lasted, and that there were two bishops in some great churches, as in Rome and Ephesus, yet when the church was of gentiles only, or conversed not with Jews, this could not relate to them. That blood should be forbidden in the formality of meat is infinitely against the analogy of the gospel; the decretory and dogmatical words of Christ[s] being, 'that nothing which enters into the mouth defiles a man:' and the words of S. Paul are permissive and preceptive, "whatsoever is sold in the shambles, eat, asking no question for conscience sake: for meat commendeth us not to God; for neither if we eat are we the better, neither if we eat not are we the worse[t]:" and "the kingdom of God consisteth not in meat and drink, but in righteousness, and peace, and joy in the holy Ghost[u]." The

[r] [Levit. xvii. 11.]
[s] [Matt. xv. 11.]
[t] [1 Cor. x. 25.]
[u] [Rom. xiv. 17.]

result is this, that blood as it is a meat cannot be supposed here to be directly forbidden as naturally unlawful, or essentially evil, or of a proper turpitude: but if the apostles had forbidden the very eating of blood as meat, it must be supposed to be a temporary and relative command which might expire by the ceasing of the reason, and did expire by desuetude; but since it was not so, but a permitting the gentile proselytes and encouraging them for present reasons to abstain from running or life-blood in the sense above explicated, according to the sense of the Jewish doctors and their disciples, it no way can oblige Christians to abstain from blood when it is dead, and altered, and not relative to that evil which was intended to be forbidden by God to Noah, and was afterwards continued to the Jews. I end this with the words of Tertullian[x], *Claves macelli tibi tradidit, permittens esui omnia ad constituendam idolothytorum exceptionem:* 'God hath given to us the keys of the shambles, only He hath forbidden the pollution of idols: in all other things you have your liberty of eating.'

§ 4. 1) I am only now to give an account of the ancient churches, why so pertinaciously and so long they refused to eat boiled blood, or any thing of that nature: but for that it is the less wonder when we consider that they found it enjoined by all the churches where the Jews were mingled, and the necessity lasted in some places till the apostles were dead, and the churches were persecuted: and then men used to be zealous in little things, and curious observers of letters; and when the succeeding ages had found the precedents of martyrs zealous in that instance, it is no wonder if they thought the article sufficiently recommended to them. 2) But if we list to observe that the Pythagorean philosophers were then very busy and interested in the persuasions of men and sects, and Pythagoras and Plato and Socrates had great names amongst the leading Christians, it is no wonder if in the percolation something of the relish should remain, especially having a warrant so plausible to persuade, and so easy to mistake as this decretal of the apostles, and the example of the ancients living in that time which the heathens called the golden age;

> Nam vetus illa ætas ———
> ——— non polluit ora cruore[y].

Single life, and abstinence from certain meats, and refusing of blood, and severity of discipline, and days of abstinence were sometimes persuaded, sometimes promoted, sometimes urged, sometimes made more necessary, by the Montanists, the Essenes, the Manichees, the Novatians, the Encratites, the Pythagoreans, and the very heathen themselves; when because they would pretend severity it became fit that the Christians should not be or seem inferior to them in self-denial, discipline, and austerities. But I shall make no more conjectures in this matter, since if the church at that time did enjoin it,

[x] De jejuniis. [cap. xv. p. 553 A.]

[y] Ovid. metam., lib. xv. [96.]

the canon was to be obeyed, and it may be in some places it was practised upon that stock; upon any other just ground it could not, as I have already proved. Only this, it cannot be denied but in the western church where this decree and the consequent custom was quickly worn out, though it lasted longer even to this day in the Greek church, and Balsamo[a] inveighs against the Latins for their carelessness in this article, yet there were some intervals in which by chance this decree did prevail; but it was when the bishops of Rome were so ignorant that they could not distinguish the Old testament from the New, but in some particulars did judaize. I instance in pope Zechary[a] before mentioned, who in his decretal to Boniface the archbishop of Mentz is very curious to warn him to forbid all Christians with whom he had to do, they should abstain from some certain sorts of birds, as jack-daws, crows, and storks, but especially that Christians should eat no hares, nor beavers, nor wild horses: and the council of Worms[b] determined something to the like purpose, not much wiser; but what was decreed then was long before reproved by S. Austin[c], affirming that if any Christian made a scruple of eating strangled birds in whom the blood remained, he was derided by the rest: and that this thing which was useful in the infancy of the church should be obtruded upon her in her strength, is as if we should persuade strong men to live upon milk because their tender mothers gave it them as the best nourishment of their infancy.

§ 5. This thing being cleared I know no other difficulty concerning the choice of meats in particular, or the retention of the ceremonial law in general, or in any of its instances, but what will more properly be handled under other titles.

RULE III.

THE JUDICIAL LAW OF MOSES IS ANNULLED OR ABROGATED, AND RETAINS NO OBLIGING POWER EITHER IN WHOLE OR IN PART OVER ANY CHRISTIAN PRINCE, COMMONWEALTH, OR PERSON.

§ 1. EITHER the judicial was wholly civil, or it was part of the religion. If it was wholly secular and civil, it goes away with that commonwealth to whom it was given; if it was part of the religion it goes away with the temple, with the lawgivers' authority by cession to the greater, with the priesthood, with the covenant of works, with the revelation and reign of the Messias: and though the instances of this law proceeding from the wisest lawgiver are good guides to princes and commonwealths where the same reasons are applicable in

[a] [In can. apost., lxiii., apud Bevereg. synodic., tom. i. p. 41 C.]
[a] [Epist. xii. tom. iii. col. 1916 D.
[b] [cap. lxv. tom. v. col. 746 A.]
[c] Contr. Faust. Manich. [lib xxxii. cap. 13. tom. viii. col. 457 D.]

like circumstances of things, and in equal capacities of the subjects, yet it is wholly without obligation. In the judicial law theft was not punished with death, but with the restitution of four-fold; and unless the necessities of a republic shall enforce it, it were consonant to the design of christian religion, the interests of souls, their value and pity, that a life should not be set in balance over against a sheep or a cup. In the judicial law of Moses adultery was punished with death; but it will not be prudent for a commonwealth to write after this copy unless they have as great reason and the same necessity, and the same effect be likely to be consequent; it was highly fitting there, where it was so necessary to preserve the genealogies, and where every family had honours and inheritances and expectations of its own, and one whole tribe expected in each house the revelation of the Messias, and where the crime of adultery was infinitely more inexcusable by the permission of divorces and polygamy than it can with us. But with us, and so in every nation, many considerations ought to be ingredient into the constitution of a capital law; but they have their liberty, and are only tied up with the rules and analogies of the christian law: only the judicial law of Moses is not to be pretended as an example and rule to us because it came from a divine principle, unless every thing else fit it by which the proportions were made in that commonwealth; for although God made aprons for Adam and Eve, it would not be a comely fashion for the gallants of our age and countries. But concerning this who desires to see long and full discourses, I refer him to Guilielmus Zepperus *De legibus Mosaicis*, and the preface of Calvin the lawyer to his *Themis Hebræo-Romana*.

§ 2. But the thing in general is confessed, and the arguments now alleged make it certain; but then why it should not be so in every particular when it is confessed to be so in the general, I do not understand, since there are no exceptions or reservations of any particular in the new law, the law of christianity. But in two great instances this article hath difficulty; the one is 1) The approach of a man to his wife during her usual term of separation, 2.) The other is concerning the degrees of kindred hindering marriage; both which being taken express care of in the judicial law, and yet nothing at all said of them in the laws of Christ, are yet supposed to be as obligatory to Christians now, as to the Jews of old. Of these I shall now give account because they are of great use in the rule of conscience, and with much unquietness and noise talked of, and consciences afflicted with prejudices and authority, with great names and little reasons.

Quest.

§ 3. Whether the judicial law of mutual abstinence in the days of women's separation obliges Christian pairs?

§ 4. The judicial law declared it to be twice penal. Once it only inferred a legal uncleanness for seven days, Levit. xv. 24. But in

Levit. xx. 18, it is made capital to them both; "they shall be both cut off from the people."

§ 5. From hence Aquinas, Alexander of Ales, Bonaventure, and Scotus affirm it to be a mortal sin for a husband then to approach to her: Paludanus and Cajetan deny it; and amongst the casuists it is with great difference affirmed or denied; but with very trifling pretences, as if they were to give laws, and not to inform consciences upon just grounds of reason or religion.

§ 6. They who suppose it to be unlawful affirm this law to be ceremonial, judicial, and moral. It is ceremonial, because it inferred a legal impurity, or separation for seven days. It is judicial, by its appendent sentence of death, and a capital infliction. It is moral, because it is against charity, as being hurtful to the child in case any be begotten by such approaches. The whole ceremoniality of it is confessedly gone, but the punishment of it in the judicial law being capital they urge it as an argument that it is moral. So that the whole weight lies upon this: that which was by the law of God punished with death, was more than a mere ceremony, and must contain in it some natural obliquity and turpitude. And in this case we need not to go far in our enquiry after it, for it is because of the great uncharitableness, as being a cause of monstrous productions, or leprosies and filthy diseases in the children; and as the former of these two signifies its morality, so this does formally constitute it: and this is confirmed by the words annexed to the prohibition, "For the nations committed all these things, therefore I abhorred them[d]:" amongst which this in the question being enumerated, it will follow more than probably, that since this thing was imputed to the heathens who were not under Moses' law, it must be imputed because it was a violation of the law of nature.

§ 7. To these things I answer, 1) That the punishment of all such approaches under Moses' law with death, was no argument of any natural turpitude and obliquity in the approach. For then circumcision would be necessary by a natural law, because every soul that was not circumcised was also to be cut off from his people. But if for this reason it were only to be concluded unlawful, then since this reason is taken away, and it is by no law of God punishable, nor yet by any law of man, it follows that now it cannot be called a mortal or a great sin, to which no mortal punishment is annexed, nor indeed any at all.

§ 8. 2) But neither was it just thus in the law of Moses. For by the law of Moses it was nothing but a legal impurity, a separation from the temple and public sacrifices and some sorts of commerce for seven days; and thus much was also imposed upon the woman though she was locked up and conversed with no man even for her natural accident: and if by the gravity or levity of a punishment we may make conjectures of the greatness of a sin (of which I shall in the

[d] [Levit. xx. 23.]

third book give accounts) then it would follow that every such approach was nothing but a breach of a legal rite or ceremony, since it was punished only with a legal separation, which also was equally upon every innocent woman in that period. Yea, but besides this it was made capital. I answer, that could not be, if the case were the same; for two punishments are not in laws inflicted upon the same offence, directly and primarily: and therefore Radulphus Flaviacensis[e] supposes here to be a direct contradiction in the letter of these two laws, and that they are to be reconciled by spiritual significations, in which only they are obligatory to us under the gospel; but I do not very well understand what he would have, nor any ground of his conjecture, but am content it is not material, since he confesses that the very letter obliged the Israelites, which how it is possible, and yet be contradictory, I shall never understand. Hugo Cardinalis[f] says that the first of these punishments was on him who did it ignorantly, but it was capital only to him who did it knowingly and voluntarily. But this is not probable, for then it would be in effect so that the man might only contract a legal impurity, and the woman be sure to die for it:

Enimvero dura lege hic agunt mulieres[g]:

for although the man could often say truly, and might always pretend that he did it ignorantly, yet the woman could not: for it is not likely that she should with much probability at any time say she did it ignorantly, and since it cannot be but by a rare contingency, it is not likely to be the subject matter of a regular law, and provided for by a daily and perpetual provision; especially since that case is already provided for in other periods, as being sufficiently included under them that by chance touch a woman so polluted: and therefore this does not reconcile the difficulty, but since it must be confessed that on the woman (at least ordinarily) both these laws must have effect, and yet the woman cannot easily and ordinarily be supposed to be ignorant in such a case so as to need a law (for laws use not to be made for rare contingencies), it follows that this distinction is not sufficient to reconcile the difficulty. But Lyra and Abulensis have a better, saying that the legal impurity was the punishment only when the fact was private, but it was capital when it was brought before the judge: and truly for this there was great reason. For since the woman also was to die, it is not to be supposed that she would accuse her husband and condemn herself, and such things use not to be done publicly; it is therefore to be supposed that whoever did do this so as to be delated for it and convicted must do it ἐν χειρὶ ὑπερηφανίας, 'with the hand of pride,' in contempt and despite of Moses' law, for which as S. Paul witnesses, "a man was to

[e] Explan. in Levit. [lib. xiv.] cap. 6. [p. 215. ed. fol. Colon. 1536.]

[f] [In Levit., cap. xx. tom. i. fol. 120 B.]

[g] [Ecastor, lege dura vivont mulieres,—Plaut. Mercat., iv. 5. 3.]

die without mercy[h]." But now from hence I infer, that since the contempt and open despite of the law only was capital, it was not any natural turpitude that deserved that calamity; it was nothing but a legal uncleanness, which every child had that did but touch her finger.

§ 9. But then for the next argument, with which the greatest noise is made, and every little philosopher can with the strength of it put laws upon others and restraints upon men's freed consciences; I answer first upon supposition that it were true and real, yet it does not prove the unlawfulness of such addresses. For if the man and woman have a right to each other respectively, there is no injury done by using their own right. *Nemo damnum facit, nisi qui id facit quod facere jus non habet,* saith the law[i]. But that is not the present case, for the married pair use but their own rights which God hath indulged. And therefore Paulus the lawyer from the sentence of Labeo hath defined[k], that no man can be hindered from diverting the water running through his own grounds, and spending it there, though it be apparent that his neighbour receives detriment to whom that water would have descended. I know this may be altered by laws, customs, and covenants, but there is no essential injustice in it, if loss comes to another by my using my own right. To which I only add this one thing, because I am not determining a title of law in open court, but writing rules of conscience; that though every such interception of water, or other using of our right to our neighbours' wrong be not properly injustice, yet unless he have just cause to use it, it is unlawful to do so, because it is uncharitable; because then he does it with a purpose to do his neighbour injury. And so it is in this case; if any man or woman in such approaches intend hurt to the child, as hoping the child might not live, or if either of them designed that the child should by such means become hated, or neglected in provisions, and another preferred, then I doubt not but to pronounce all such mixtures impious and abominable; and to this sense those words of S. Austin[l] in this article are to be expounded, *Per talem legem in Levitico positam non naturam damnari, sed concipiendæ prolis noxiam prohiberi;* the thing itself is not naturally impure, but it is forbidden that hurt should be intended or procured to the child: for although in the instance of Paulus above reckoned the injury is certain, and the person definite and known to whom it is done, and in the present question both the event at the worst is but uncertain, and the person to be injured not yet in being, and therefore the case is much more favourable here than there; yet when this case does happen, there can be no excuse for it, because it is the act of an evil mind, and an uncharitable spirit.

[h] [Heb. x. 28.]

[i] L. 'Nemo.' De regul. juris. [Digest., lib. l. tit. 17. l. 151. col. 1866.]

[k] L. 2. De aqua pluvia arcenda. [Digest., lib. xxxix. tit. 3. col. 1289.]

[l] Super Levit., quæst. lxiv. [tom. iii. part. 1. col. 519 A.]

§ 10. Secondly, upon supposition that this allegation were true, yet it follows not that all such approaches were unlawful: as appears in the case of a leprous wife, with whom that it is lawful to have congress is so certain that it is told as an heroic story of Dominicus Catalusius a prince of Lesbos[m] that he did usually converse with his wife that was a leper, as still knowing it to be his own flesh, which no man hates: but if with a leper (whose issue is as certain to be leprous, as in the other case to be any way diseased) it be lawful, the effect notwithstanding; then the argument ought not to infer a prohibition, or conclude it to be unlawful. The same also is the case of both men and women in all hereditary diseases, and in any diseases which are resident in any principal part; with any of which if either of them be infected, it is (if this reason be good) equally unlawful for them to beget children, or to use the remedy which God hath given them against uncleanness.

§ 11. If it be answered that there is difference in the case, because the present question being of short frequent and periodical separations, the married persons may expect nature's leisure who will in a short time return them to their usual liberties; but if they have a leprosy, that goes not off, but abides, and therefore either a child must be gotten with that danger, or not at all; and since it is better for a child to be born a leper, or subject to leprosy, than not to be at all, in this case there is indeed charity in some sense, but no uncharitableness in any to the child, and there is a necessity also on the parents' part. The same also is the case of a consumption, or any hereditary disease; but in the monthly separations there is no such need, because the abstinence is but short, and though a child be not then begotten, he loses not his being, as in the other cases.

§ 12. To this I reply, that the difference of case pretended is not sufficient, 1) because a consumption or a leprosy are no such incurable diseases but that for the preventing of uncharitableness, and sad effects upon the child, they may expect nature's time; and if it be said, that there is, or may be danger of fornication in so long abstinence, I answer, so there may be in the shorter, and is certainly to some persons; and if the danger be an excuse and can legitimate the congression even where there is hazard to have a diseased child begotten in one case, then so it is in the other. For where there is the same cause in the same suscipient, there also will be the same effect: so that at least thus much will be gotten, that if there be a need in the time of a short separation, then it is lawful; and if it can upon this account be innocent, it is certain that it is not naturally criminal. 2) Suppose even this affection or accident abides on the wife, as on the woman in the gospel who after twelve years' sufferance was cured by the touch of our Saviour's garment; then there is the same necessity as in an abiding leprosy, consumption, or hereditary disease, and yet in the mosaic law those permanent emanations were to be observed by

[m] [Fulgos., lib. iv. cap. 6. See vol. iv. p. 225.]

abstinence as much as the natural and transient; by which it is certainly proclaimed to be wholly a legal rite; because if this can abide, and during its abode an approach be not permitted, although the Jews were relieved by divorces and polygamy, and concubinate, and so might suffer the law; yet Christians who are bound to an individual bed, will find a necessity, which if it were not provided for by a natural permission, the case of some men would be intolerable, and oftentimes sin be unavoidable, and that which by accident may be lawful and necessary certainly is not essentially evil: for if it could, then He who is the author of such necessity would also necessarily infer that evil, and so be author of that too, which is impossible to be true of God, the fountain of eternal goodness. But I add also this consideration, that even in the mosaic law such congressions were permitted after child-birth. For the legal impurity lasted but seven days upon the birth of a man-child, "according to the days of the separation for her infirmity shall she be unclean[n]," that is, for seven days she shall have the same law upon her as in her usual period, but no longer: for that which is added, "that she shall then continue in the blood of her purifying three and thirty days[o]," it is not for abstinence from her husband, but from entering into the tabernacle, and from touching holy things; so that the uncleanness being determined five weeks before her purification was complete, must be in order to contract or to nothing.

§ 13. But although upon supposition the allegation were true, yet the reason of it concludes not, yea the argument is infinitely the worse, since the supposition is false, and the allegation is not true. For besides that the popular heresies of physic and philosophy are now rarely confuted and reproved by the wise physicians of these later ages, who have improved their faculty as much as any of the schools of learning have done theirs, and the old sayings of philosophers in this matter are found to be weak, and at the best but uncertain; the great experience of the world is an infinite reproof to them who say that by such congressions leprous or monstrous children are produced: for the world would have been long since very full of them if such evil effects were naturally consequent to those meetings. S. Hierome[p] was the first who brought this pretension into the christian schools (so far as I can learn); afterwards the schoolmen got it by the end, and the affirmative hath passed ever since almost without examination. But the schoolmen[q] generally affirm (being taught to speak so by Aquinas) that it is partly ceremonial, partly moral, and that in this only it is obligatory, *ex damno quod sequitur ex prole;* which because it hath no ground to support it must fall into the common lot of fancies and errors when their weakness is discovered. For although those physicians which say that this natural

[n] [Levit. xii. 2.]
[o] [vers. 4.]
[p] In xliv. Isai. [in xviii. Ezech., tom. iii. col. 821.]
[q] Franc. a Vict. de Sacram., de redd. deb. conj. [art. 176. fol. 137 B, ed. 8vo. Antv. 1580.]

emanation is a κάθαρσις or 'cleansing,' do believe that with the principles of generation there may in such times be something *minus salubre* intermingled; yet besides that these are opposed by all them who say it is nothing but a κένωσις or 'evacuation,' both the one and the other are found to be imperfect, by the new observations and experiments made by a learned man who finds that neither one or other can be the material part of nature's secret fabric. But however, whether he says true or no, since things are so infinitely uncertain, and man is made secretly and fashioned *in secreto terræ*, these uncertain disputes are but a weak foundation of a pretence for a moral duty.

§ 14. To the last objection, that 'God abhorred the nation for all these things,' and amongst them this is reckoned; and therefore there was in this some natural impurity, for by no other law were they bound, and they could not be found to be transgressors against any other: I answer, that 'all these things' are to be taken *concrete et confuse*, all indiscriminately in an heap, not all by singular distribution; as appears (besides this in question) by the instance of marriage in certain degrees, which the servants of God did use, and yet God delighted in them; for Abraham married his father's daughter, and yet this was reckoned amongst their catalogues of crimes[r], and so also in the case of the brother's wife, which is there reckoned, yet we know it was permitted and enjoined in the case of heiresses being childless widows: but when this thing was by God inserted into the digest of their laws and made capital, it happened to be mingled with other prohibitions which were of things against the laws of nature. But to this objection I shall speak again in the question of cousin-germans, *num.* 36 and 37 of this rule.

§ 15. The arguments now appearing to be invalid, I answer to the question 1) That this abstinence was a mosaic law, partly ceremonial partly judicial, but in no degree moral. 2) That the abrogation of Moses' law does infer the nullifying of this, and hath broken the band in pieces. 3) That the band which tied this law upon the Jews was fear of death and fear of a legal impurity: which fears being banished, and no new one introduced by our lawgiver, we are not under restraint; and if we will be careful to observe all that is commanded us in Christ's law, it will be work enough, though we bind not on men's shoulders unnecessary burdens. 4) It is a part of the spirit of bondage to be subject to ordinances; but God will now be served by a more spiritual religion, and to abstain as in the present instance and to think it is a part of God's service, is superstition; it is to worship Him with an instance that He hath not chosen or commended: and therefore it is remarkable that when S. Paul gave order to married pairs, μὴ ἀποστερεῖτε ἀλλήλους, 'defraud not one another[s],' he only gives this exception, 'except it be by consent for a time, that ye may give yourselves to fasting and prayer; and come

[r] [Lev. xx. 17, 21.]

[s] [1 Cor. vii. 5.]

together again, that Satan tempt you not,' διὰ τὴν ἀκρασίαν ὑμῶν, 'for your want of power and command over your desires and necessities.' Abstinence in order to special religion is allowed and commended, and that by consent, and that but for a sudden occasion, and that so short, that it may not become an occasion of Satan's temptations; whatsoever is over and besides this may be upon the account of Moses, but not of Christ and christianity. 5) I speak this only to take off a snare from men's consciences, laid for the unwary by unskilful masters of assemblies; so that all I say of it is, that it may be done lawfully. 6) But that which does only recommend it is, where there is necessity that it be done. 7) It is sufficient though the necessity be not absolute, if it be only ordinary and probable: for if this were not so, instead of allaying storms and appeasing scruples and breaking snares, they would be increased and multiplied; for it will be a hard thing in most cases of that nature to say that the necessity is absolute. 8) But since there is in such congressions a natural abhorrency amongst most persons, and a natural impurity; if that which invites to it be not at least a probable necessity, it must be a great undecency and violence of a wanton spirit. 9) It must always be without scandal and reproach. For even among the Jews it was only a legal impurity if done without scandal, but if with contumacy and owning of it it came to outface the modesty and authority of the law, then it became deadly: and so it may now if that which is not of good report be done and offered to the report of all them which can condemn the folly and impurity, but cannot judge of the necessity or the cause; and the fact by becoming scandalous is criminal, as much as when it is done without a probable necessity, and only upon lustful consideration.

§ 16. Some in their answers to this enquiry, make a distinction of the persons; affirming it in this case to be unlawful to ask, but lawful to pay a duty if it be demanded. But if it be naturally unlawful it is then inexcusable in both; for neither must the one tempt to an unlawful act, nor the other consent to it, and there can be no obligation to pay that debt which no man can lawfully demand. Neither of them hath a right against God's law, and therefore the case is equal in them both; he or she that complies does actually promote the sin, as well as the other that invites, and therefore in Moses' law they were equally criminal and punished with death. But if it be not naturally unlawful (as it appears it is not) then it may as well be demanded, as yielded to, when there is a probable necessity; but concerning that, the passive party is to believe the other, for if it be known to be otherwise, he or she that consents does consent to an act which is made unlawful by evil circumstances.

OF THE PROHIBITION OF MARRIAGE IN CERTAIN DEGREES.

§ 17. But the next enquiry concerning an instance in the judicial law is yet of greater concernment: for all those degrees in which

Moses' law hath forbidden marriages, are supposed by very many now-a-days that they are still to be observed with the same distance and sacredness, affirming because it was a law of God with the appendage of severe penalties to the transgressors it does still oblige us Christians. This question was strangely tossed up and down upon the occasion of Henry the eighth's divorce from queen Katherine the relict of his brother prince Arthur; and according as the interest of princes uses to do, it very much employed and divided the pens of learned men, who upon that occasion gave too great testimony with how great weaknesses men that have a bias do determine questions, and with how great a force a king that is rich and powerful can make his own determinations. For though christendom was then much divided, yet before then there was almost a general consent upon this proposition, that the levitical degrees do not by any law of God bind Christians to their observation. I know but of one schoolman that dissents, I mean Paludanus; or if there be any more I am sure they are but very few,

Vel duo vel nemo[t];——

but the other opinion

Defendit numerus, junctæque umbone phalanges[u].

But abstracting from all interests and relative considerations, I shall give as full accounts of this as I can, because the questions of degrees and the matters and cases of incest are not so perfectly stated as the greatness of the matter and the necessities of the world require; and besides this, it is at this day a great question amongst all men, whether brothers' and sisters' children, or cousin-germans, may lawfully marry; which question supposes that not only the levitical degrees are still thought obligatory, but even all those other degrees which by a parity of reason can be reduced to those measures. I shall therefore give an account of the sentence of all laws in this great question, which can be supposed to oblige us.

OF PARENTS AND CHILDREN.

§ 18. Concerning this, I suppose it to be evident that nature hath been as free in her liberties as in her gifts, open-handed enough to all; save only that she hath forbidden parents and children, higher and lower in the direct line for ever to marry: just as rivers cannot return to their fountains, nor evenings back again to their own mornings from whence they set out, nor yesterday be recalled and begin again to-morrow. The course and order of nature is against it; and for a child to marry the parent is for to-day to marry yesterday, a going back in nature.

——— illum, illum sacris adhibete nefastis,
——— qui semet in ortus
Vertit, et indignæ regerit sua pignora matri[v].

[t] [Pers. sat., i. 3.] [u] [Juv. sat., ii. 46.] [v] Papin. Stat. Thebaid., iv. [630.]

§ 19. To which may be added this other sufficient natural reason, that if a son marries his mother, she who is in authority greater by right of geniture, becomes *minor in matrimonio*, less upon the same material account upon which she became greater, and the duty and reverence of a mother cannot be paid to her by him who is her husband: which I find well intimated by Phædra to Hippolytus,

Matris superbum est nomen, et nimium potens[x].

It is a contradiction of rights that the same person should be the superior mother, and the inferior wife; which hath also some proportion between a father and a daughter, as being undecent that she from him should claim the rights of a wife, to whom she owes the duty of a father.

§ 20. Besides these, there is a natural abhorrency of such mixtures. *Contra pudorem esse* said Paulus the lawyer, 'it is against natural modesty:' which was rarely verified in the trial which the emperor Claudius[y] made (wittily and judiciously, like that of Solomon upon the two harlots) upon a wicked woman who called him who indeed was her son, a stranger, a beggar, the son of another woman, and supposititious, that so she might defeat him of his father's inheritance. The emperor espying her malice, and suspecting her machination, found out this trial: 'If he be not your son, yet because he is young and handsome, rich and possessed of the inheritance, the title of which you would snatch from him, you shall marry him, and so possess him and the inheritance too.' She though desperately base refused that offer, and though she was unnaturally malicious, yet would not be unnaturally incestuous; and chose to suffer the shame of discovery rather than the horrors of such a mixture.

§ 21. But all this was not sufficient to make it to become a natural law, without the authority of God intervening. This made it to be excellently reasonable to be established into a law, and therefore God did so, and declared it, and did not trust man's reason alone with the conduct of it: but then it became an eternal law when God made it so, and that was at the very first bringing of a wife to Adam. "For this cause shall a man leave his father and his mother," said God by His servant Moses[z] declaring to us what God then made to be a law, "and shall cleave unto his wife, and they shall be one flesh." This could not on both sides concern Adam, who had no natural father and mother, and therefore was a law given to all that should be born from him; when they took a wife or husband respectively, they must forsake father and mother, for between them and their children there could be no such entercourse intervening: and so the Jews, particularly Rabbi Selomoh[a], expounds the place, and

[x] [Sen. Hippol. 609.]

[y] [Sueton. vit. Claud., cap. xv.: the anecdote however is related at length of the emperor Theodoric. (Joann. Venet., apud Joann. Magn. Upsal. de reg. Goth., lib. iii. cap. 29. p. 333, ed. fol. Rom. 1554.)]

[z] [Gen. ii. 24.]

[a] [R. Solomon Jarchi, in loc. apud Selden., de jur. nat. et gent., lib. v. cap. 2.]

it was necessary this should then be declared, for 'as yet the marriage of brother and sister was not forbidden,' saith the Gemara Sanhedrin[b]; and in obedience to this because Adam had no other, 'he laid aside the love of earth and rain, of which he was produced,' said Isaac Abravanel[c]: and by this they usually reconcile the seeming difference between these words and the fifth commandment. A man shall leave his father and mother, and yet he must honour his father and mother; he must never leave to honour them, but when he intends to marry, he must forsake all thoughts of contracting with either of them. Now the mother and the wife being the opposite terms in the progression, he must leave one, and adhere or be united to the other; it must needs be that dereliction or forsaking, or going from the mother, not relating to honour but to the marriage, means that the child must abstain and depart from all thoughts of such conjunction. A mother is not less to be loved, less to be honoured after marriage than before; and therefore in no sense relating to this is she to be forsaken, therefore it must be in the other: and this our blessed Saviour recorded also in His law[d], where whatsoever is not sufficiently found cannot pretend to be a law of nature; as I have already proved.

§ 22. And now this being established and recorded as a law of nature in that way only that is competent, the disagreeing sentences of some men and the contrary practices of nations is no argument against it. Indeed I said in the first chapter, that the consent of nations is not sufficient to establish a natural law; for God only makes the sanction, but when He hath made it and declared it, the disagreeing practices of great portions of the world cannot annul the establishment. It is not sufficient to prove it to be a natural law because wise people consent to it, but if God have made it so, it is a natural law though half the world dissents; and therefore we are not in this affair to be moved at all, if wise men should in any age affirm the marriages of sons and mothers to be lawful. So Diogenes[e] and Chrysippus[f] affirmed upon a ridiculous conceit that cocks and hens did not abhor it. Against which impertinent argument, although it were sufficient to oppose the narrative which Aristotle[g] makes of a camel, and the Scythian horse[h] who brake his own neck out of detestation of his own act to which he was cousened by his keeper; for

> Feræ quoque ipsæ Veneris evitant nefas,
> Generisque leges inscius servat pudor[i];

Yet it is better to set down this reasonable proposition; that a thing is against the law of nature when (being forbidden by God) it is unnatural to men, though it were not against the nature of beasts. But

[b] [Apud Selden., ibid. cap. 8.]
[c] [al. Abarbanel, quoted by Selden, ibid.]
[d] [Matt. xix. 5.]
[e] [Diog. Laert., lib. vi. cap. 2. § 72.]
[f] [ibid., lib. vii. cap. 7. § 188.]
[g] Hist animal., lib. ix. cap. 47. [tom. i. p. 630.]
[h] Plin. nat. hist., viii. 42. [al. 64.]—Varro, de re rustica, lib. ii. [cap. 7.—Avicenna, de nat. anim., lib. viii. cap. 7. Ælian. var. hist., lib. iv. cap. 7.]
[i] [Sen. Hippol., 913.]

as the authority of these men is inconsiderable and their argument trifling, so also the disagreeing practice of some nations in this particular is wholly to be despised.

——— Gentes tamen esse feruntur,
In quibus et nato genetrix, et nata parenti
Jungitur[l]; ———

The Assyrians, the Medes and Persians, especially the most honoured persons amongst them, their kings and their *magi*, did use it frequently,

Nam magus ex matre et gnato gignatur oportet[m].

§ 23. 1) But the original and cause of this horrible and unnatural custom we can so reduce to its first principle, that there can remain no suspicion but that they did prevaricate the law of nature. For when Nimrod had married his mother Semiramis, and presently introduced the worship of fire, making that to be the Assyrians' and Persians' god, he was gratified by the devil. For (as Saidus Batricides[n] the patriarch of Alexandria reports) the devil out of the fire spake to his first priest that none should officiate in his rites, unless he would first lie with his mother, his sister, and his daughter. And Sham the priest (for that was the name of the beast) did so, and so together with his prince became an authentic president to all generations of degenerous brutes, and was imitated by all that empire.

τοιοῦτο πᾶν τὸ βάρβαρον γένος
Πατρὶ τε θυγατρὶ, παῖς τε μητρὶ μίγνυται.
——— καὶ τῶν δ' οὐδὲν ἐξείργει νόμος[o].

But what Xenophon said of the Persians is also true of all the nations together, who were debauched by their laws and accursed customs, *Non eo minus jus esse quia a Persis contemnebatur;* 'It is still the law of nature though prevaricated by the Persians and their subjects and friends.' For when any thing appears to be so τοῖς πλείστοις καὶ ἀδιαστρόφοις καὶ κατὰ φύσιν ἔχουσινᵖ, 'to most and to the uncorrupted nations, and to them who live according to natural reason' it is a great presumption it is indeed a natural law; and is so finally if a command of God hath intervened in that instance, for by the divine appointment it is made a law, and by the matter order and use of it it is natural. But for the rest to whom these things seemed otherwise than God and nature did decree, they were abused by none but by their own lusts; they were as a punishment of their vilest sins given over εἰς πάθη ἀτιμίας, to unnatural, to dishonourable, and unreasonable desire,

——— Cui fas implere parentem
Quid rear esse nefas[q]?

But this was the product of their idolatry, and some other basenesses:

[l] Metam., lib. x. [331.]
[m] [Catull., xc. 3.]
[n] [Apud Selden. de jur. nat. et gent., lib. v. cap. 11.]
[o] Eurip. Androm. [174.]
[p] Michael Ephes. in Arist. ethic. ad Nicomach. [lib. v. fol. 71 b. vers. fin., inter Eustratii et aliorum commentaria, ed. fol. Ven. 1536.]
[q] [Lucan., lib. viii. 409.]

of the first S. Paul[r] is witness, that as a consequent of their forsaking the true God they were given over to unnatural lusts: and Lucan[s] observes the latter of the Parthians,

——— epulis vesana meroque
Regia, non ullos exceptos legibus horret
Concubitus. ———

Now what is the effect of superinduced crimes and follies is most contrary to nature, and it were unnatural to suspect that she had not made sufficient provisions in this prime case, upon pretence because some unnatural persons have spoiled and defaced or neglected her laws[t]. One thing by the by I shall insert. I find Socrates noted by some that he said there is in the marriage of parents and children nothing to be reproved but the disparity of age. But this is a mistake; for though he brought that incompetent reason against it, yet for other causes he abhorred it, accounting it to be a law established by God and nature, *μήτε γονέας παισὶ*, κ.τ.λ.[u], that parents and children should abhor such marriages. For God and all the world, heaven and earth do so; insomuch that a Roman philosopher was in his dream warned not to bury the corpse of a Persian who had married his mother:

Μὴ θάψῃς τὸν ἄθαπτον, ἕα κυσὶ κύρμα γένεσθαι,
Γῆ πάντων μήτηρ μητροφθόρον οὐ δέχετ' ἄνδρα[v].

'The earth who is the common mother of all, will not receive into her womb him that defiled the womb of his mother:' and the story says, that the ground spued out the corpse of such a one that had been buried. And Virgil[x] affirms that in hell there are torments prepared for him

Qui thalamum invasit natæ, vetitosque hymenæos,

who pollutes his daughter's bed, and defiles himself with such forbidden entertainments.

OF BROTHERS AND SISTERS.

§ 24. 2) But though nature forbids this, yet the other relations are forbidden upon other accounts. Nothing else is against the prime laws of nature, but a conjunction in the right ascending and descending line. The marriage of brothers and sisters was at first necessary, and so the world was peopled; all the world are sons and daughters descending from the first marriages of brother and sister. But concerning this that I may speak clearly, let it be observed that although the world does generally condemn all such and the like marriages under the title of incestuous, yet that is not properly expressed, and

[r] [Rom. i. 21. &c.]
[s] [lib. viii. 401.]
[t] Vide Tiraquell. in leg. vii. connub., n. 22. [tom. ii. p. 110.]
[u] Xenoph. *ἀπομνήμ.* [lib. iv. cap. 4. § 20.]
[v] Agath. hist., lib. ii. [p. 50.]
[x] Æneid., lib. vi. [263.]

leaves us to seek for the just grounds of reproof to many sorts of unlawful marriages, and some others are condemned by too great a censure. The word incest is not a scripture word, but wholly heathen; and signified amongst them all unchaste and forbidden marriages, such which were not hallowed by law and honour; an inauspicious conjunction *sine cesto Veneris*, in which their goddess of love was not president; marriages made without her girdle, and so ungirt, unblessed. This word being taken into the civil law got a signification to be appropriate to it; for there were three degrees of unlawful marriages, *damnatæ*, *incestæ*, and *nefariæ*. *Damnatæ nuptiæ* are such which the law forbids upon political considerations; such as are between the tutor or guardian and the orphan or pupil, between a servant and his mistress, between a freedman and his patroness, and such was in the law of Moses between the high-priest and a widow; and in christianity between a priest and a harlot, and between any man and her whom he defiled by adultery while her first husband was alive, all marriages with virgins professed and vowed. There is in these so much unreasonableness of being permitted, that by the law they stood condemned, and had legal punishments and notes of infamy proportionable. *Incestæ nuptiæ* are defined in the law to be *coitio consanguineorum vel affinium*[y], 'the conjunction of kindred or allies,' meaning, in those instances which are by law forbidden; and these are forbidden upon differing considerations from the former, viz. for their nearness of blood and relation, which the laws would have disseminated more or less, for their approach to unnatural marriages, for outward guards to the laws of nature, for public honesty, and compliance with the customs of their neighbours, of the same interest or the same religion, or for necessary entercourse. But because unskilful persons or unwary have called unnatural mixtures by the name incestuous, as incestuous Lot, and the incestuous Corinthian, therefore whatever any law calls incest, they think they have reason to condemn equally to those abominable conjunctions. But neither ought incest to be condemned with a hatred equal to what is due to these, neither ought these to be called incest; for in true speaking these are not *incestæ nuptiæ*, but *nefariæ*, and *naturæ contrariæ*, wicked or abominable, and contrary to nature: for although the law sometimes calls those mixtures which are between kindred by the title of *nefariæ*, or impious, yet it is to be understood only of that kindred which is by the law of God and nature forbidden to marry: so the gloss *in authentic. de incest. nupt.*[z] affirms, so Archidiaconus, Johannes Andreas, Covarruvias, and the best lawyers; and the word is derived from the usage of it in the best authors:

[y] C. lex 'Illa.' § 'Incest.' [Gratian. Decret. caus.] xxxvi. qu. 1. [can. 2. col. 2044.] L. 'Si adult. cum incest.' in princ., D. de adult. [Digest., lib. xlviii. tit. 5. l. 38. col. 1692.]

[z] Text. in authentic. De incest. nupt. in princ. collat. ii. [tit. vii. cap. 1. col. 41.] C. 'Cum secund. leges.' De hæret. in 6. [Sext. decretal., lib. v. tit. 2. cap. 19. col. 577.]

Feræ quoque ipsæ Veneris evitant nefas[a]:

the conjunction of parents and children is *nefas Veneris*, and the marriages nefarious. Now of this deep tincture none are, excepting marriages in the right ascending and descending line. The marriages of brothers and sisters is incestuous, and the worst degree of it, and so forbidden by the laws of all civil nations; but therefore they are unlawful only because forbidden by positive laws; but because the prohibition is not at all in the laws of Christ, therefore it cannot be accounted against the prime law of nature, of which that is a perfect system. Not that it can in any case of present concernment or possibility become lawful, or for any reason be dispensed withal by any power of man; for it is next to an unnatural mixture, it hath in it something of confusion, and blending the very first partings of nature, it is of infinite vile report, intolerably scandalous, and universally forbidden. But though this be enough, yet this is not all:

§ 25. Michael of Ephesus[b] says that at the first these marriages were indifferent, but made unlawful by a superinduced prohibition. And indeed if they had been unnatural, they could not have been necessary: for it is not imaginable that God who could with the same facility have created a thousand men and as many women, as one, would have built up mankind by that which is contrary to human nature; and therefore we find that among the wisest nations some whom they esteemed their bravest men did this. Cimon the son of Miltiades married his sister Elpinice, *non magis amore quam patrio more ductus*, said Æmilius Probus[c], 'not only led by love but by his country's custom.' So Archeptolis, the son of the brave Themistocles, married his sister Mnasiptolema[d], Alexander the son of Pyrrhus king of Epirus married his sister Olympias[e], Mithridates married his sister Laodice[f], Artemisia was sister and wife to Mausolus king of Caria[g], so was Sophrosyna to Dionysius of Syracuse[h], Eurydice to Ptolemæus Philopater[i], Cleopatra to Ptolemæus Physcon[k], Arsinoe to Ptolemæus Philadelphus[l], whom when Sotades had reproved upon that account, saying, Εἰς οὐχ ὁσίην τρυμαλιὰν τὸν κέντρον ὠθεῖς[m], he imprisoned him. But I need not bring particular instances of Egyptians; for Diodorus Siculus[n] affirms that they all esteemed it lawful, and Dion Prusæensis says that all the barbarians did so[o].

§ 26. But all the Greeks did so too, having learnt it from their first princes, whom after ages had turned into gods,

[a] [Sen. Hippol., 913.]
[b] In Arist. eth. Nic., lib. v. [fol. 71 b, med. vid. p. 374.]
[c] [al. Cornel. Nep. vit. Cimon., cap. i.]
[d] Plut. in Themist. [tom. ii. p. 500.]
[e] [Justin., lib. xxviii. cap. 1.]
[f] [Justin., lib. xxxvii. cap. 3.]
[g] [Strabo, lib. xiv. p. 656.]
[h] [Plutarch. vit. Dion., cap. vi. tom. v. p. 266, Cornel. Nep., cap. i.]
[i] [Justin., lib. xxx. cap. 2.]
[k] [Val. Max., lib. ix. cap. 1.]
[l] [Justin., lib. xxiv. cap. 2; Pausan., lib. i. cap. 7; Plin. hist. nat., lib. xii. cap. 9; Strabo, lib. x. p. 460, fol. Par. 1620.]
[m] [Plut. de lib. educ., tom. vi. p. 36.]
[n] [lib. i. cap. 27; Dio Cass., lib. xlii. cap. 35.]
[o] Vide Lucian. de sacrificiis. [cap. v. tom. iii. p. 79.]

—— Dii nempe suas habuere sorores,
Sic Saturnus Opim, junctam sibi sanguine, duxit
Oceanus Tethyn, Junonem rector Olympi[p].

Though I suppose that this is but a fabulous narrative in imitation of the story of Cain and Abel, as appears by their tale of Jupiter and Prometheus; which is well noted by the observator upon the mythologies of Natalis Comes under the title of Jupiter. But that which moves me more than all this is the answer which Thamar gave to her brother Amnon: "Now therefore speak unto the king, for surely he will not withhold me from thee[q]," and yet she was his father's daughter, his sister by the paternal line: and Abraham told the king of Gerar concerning Sarah his wife[r], "and yet indeed she is my sister, she is the daughter of my father, but not the daughter of my mother," that is, the daughter of Terah as was generally supposed, of which I shall yet give further accounts. Now it is not to be supposed that either Abraham before or David after the law would have done or permitted any thing against the law of nature; and if it was against a positive law, as it happened in the case of Amnon and David, the marriage might be valid though forbidden, and the persons be excused upon some other account, which is not proper here to be considered.

§ 27. But I again renew what I said before, this discourse is not intended so much as secretly to imply that it can now at all be or be made lawful, or is at any hand to be endured. For the marriage of brother and sister is against a secondary law of nature; that is, it stands next to the natural prohibition, and is against a natural reason, though not against a prime natural law. Every reason indeed is not a sufficient indication of a law, nor a natural reason of a natural law; but when the reason is essential to nature or consigned by God, then it is, and as a reason approaches nearer to this, so the action is more or less natural or unnatural; and this is the case of brother and sister. For the reverence which is due to parents hath its place here also, *propter recentem admodum parentum in liberis imaginem:* and therefore it is with greater reason forbidden, and if it were not, the whole world might be filled with early adulteries. For the dearnesses of brother and sister, their cohabitation, their likeness of nature and manners, if they were not made holy and separate by a law, would easily change into marital loves, but their age and choice would be prevented by their too early caresses: and then since many brothers might have the same kindness to one sister, or might have but one amongst them all, the mischief would be horrible and infinite.

Dulcia fraterno sub nomine furta tegemus:
Est mihi libertas tecum secreta loquendi;
Et damus amplexus, et jungimus oscula coram,
Quantum est quod desit[s]?

[p] [Ovid. metam. ix. 496.] Vide Alex. ab Alexandr., Genial. dierum, lib. i. [cap. 24.]

[q] [2 Sam. xiii. 13.]

[r] [Gen. xx. 12.]

[s] Ovid. metam., lib. ix. [557.]

§ 28. For these and other accounts which God best knew, He was pleased to forbid the marriage of brothers and sisters. This law the Jews say God gave to Adam under the title *De non revelanda turpitudine;* but yet so, that it was not to be of force till mankind were multiplied, but then it took place as men did please. But this they say upon what ground they please; for it is highly improbable that the law of nature should be allowed years of probation, or that it should be a prime law of nature, which the nature of things and the constitution of the world did make necessary to be broken. But because God did afterwards make it into a law, and there is now very great reason that it should be a law, and the reason is natural, and will be perpetual, and all christian nations, and all that have any formed religion, have agreed to prohibit such marriages; he that shall do so unreasonably, and as things now stand so unnaturally and so foolishly, as either to do it or teach it, must be of no religion, and of no people, and of no reason, and of no modesty.

OF MOTHERS IN LAW AND THEIR HUSBANDS' CHILDREN.

§ 29. That the marriage of these is not against the law of nature S. Austin[t] does expressly affirm in his questions upon Leviticus, saying that there is forbidden the discovering his father's nakedness; but this is not to be understood of the father while he is alive, for that is forbidden in the prohibition of adultery; *sed ibi prohibetur matrimonium contrahi cum illis quas seclusa lege licet uxores ducere,* 'marriage is there forbidden to be made with them with whom otherwise it were lawful to contract.' But for this there can be no reasonable and fair pretence. For a mother-in-law and a mother are all one in the estimation of all the laws of the world, and therefore were alike in the prohibition: and the contrary was never done but by them who had no pretence for it, but *quod libet licet*[u], whatsoever a man hath a mind to do that he may do; for this was the argument which Phædra courts Hippolytus withal:

> Nec quia privigno videar coitura noverca,
> Terruerint animos nomina vana tuos.
> Ista vetus pietas ævo moritura futuro
> Rustica Saturno regna tenente fuit.
> Jupiter esse pium statuit quodcunque juvaret;
> Et fas omne facit fratre marita soror[v].

The impiety of their gods seemed to be their warrant, and their pleasure was all their reason, their appetite was their argument. But this we find sufficiently condemned by S. Paul[w], "it is a fornication which is not so much as named amongst the gentiles, that one should have his father's wife." Cajetan supposes that this

[t] Quæst. lxi. [t. iii. part 1. col. 518 A.]
[u] [vide Spartian. vit. Caracall., cap. x.]
[v] [Ovid. Heroid., epist. iv. 129.]
[w] [1 Cor. v. 1.]

Corinthian did lie with her while his father was alive; because the apostle calls her not the widow, but the wife of his father. I am of his opinion, but not for that reason, because that expression he uses not so much to describe the person as to aggravate the crime: but that it was in his father's life-time I am induced to believe by the word πορνεία, 'fornication,' which though it be often used for adultery, yet I find it not used for *nuptiæ nefariæ*, or that which is usually called incest. But however, that which S. Paul notes here and so highly abominates is not the adultery, but the impiety of it; not that it was a wife, but his father's wife; and therefore although even so it were a high crime and of a deep tincture, yet the unnaturalness and the scandal of it S. Paul here condemns. It was the same that Antiochus did to Stratonice the wife of his father Seleucus[x], and that which Reuben did to the concubine of his father Jacob[y]; a thing so hateful to all nature that the very naming of it is a condemnation; and therefore is all one with the prime natural law of the prohibition of the conjunction of parents and children: for she that is one flesh with my father, is as near to me as my father, and that's as near as my own mother; as near I mean in estimation of the law, though not in the accounts of nature, and therefore though it be a crime of a less turpitude, yet it is equally forbidden, and is against the law of nature, not directly, but by interpretation.

OF UNCLES AND NIECES.

§ 30. Now if the nearest of kin in the collateral line were not forbidden by a law of nature, much less are they primely unlawful that are further off. The ascending and descending line cannot marry, but are forbidden by God in the law of nature. So mothers in law and their husbands' children, and brothers and sisters, are by the laws of all the world and for very great reason forbidden, but not by the law of nature. But for all other degrees of kindred it is unlawful for them to marry interchangeably when and where they are forbidden by a positive law, but not else; and therefore the marriages of uncles and nieces, or aunts and nephews, become unlawful as the laws of our superiors supervening make it so, but was not so from the beginning, and is not so by any law of Christ.

§ 31. In the civil law of the Romans it was lawful for the uncle to marry the brother's daughter, and this continued by the space of two hundred and fifty years, from the days of Claudius to the reign of Constantine or thereabouts: and though this began among the Romans upon the occasion of Claudius his marrying Agrippina, yet himself affirms (as Tacitus[z] makes him to speak) *Nova nobis in fratrum filias conjugia, sed aliis gentibus solennia, nec lege ulla*

[x] [Appian. de bell. Syr., capp. lix.—lxi.: cf. pp. 53, et 290 supra.]

[y] [Gen. xxxv. 22.]

[z] Annal., lib. xii. [cap. 6.]

prohibita; 'indeed it is new to us, but to other nations usual and lawful:' and the newness of it scared Domitian[a] so that he refused it, and not many did practise it; only I find that a poor obscure libertine, T. Alledius Severus[b] did it, as Suetonius[c] observes: but it was made lawful by the civil law, and allowed in the rules of Ulpian; and when Nerva[d] had repealed the law, Heraclius[e] reduced it again and gave the same permissions.

§ 32. But that which moves me more is that it was the practice of the Jews, the family of Abraham, and the counsel of the wise men to do so, as Ben Maimon[f] the famous Jew reports. *In monitis sapientum habetur ut in uxorem ducat quis ante alias neptem ex sorore, seu ex fratre neptem, juxta id quod dicitur, A carne tua ne te abscondas.* And Josephus does suppose that when Abraham said of Sarah[g], 'she is my sister, the daughter of my father,' the truth is, she was his father's grandchild, that is, the daughter of Abraham's brother: for unless it had been a known thing in that nation that Abraham's family would not have married their german sisters, it could have been no security to Abraham to pretend her to be so; for she might be his wife and his sister too, unless such marriages had been unlawful and rejected. But then when Abraham was reproved for his lie, he helped the matter out with a device; she was his father's daughter, that is, by the usual idiom of that family, the child of his father descending by his brother: and this was S. Austin's[h] opinion, *Nam qui maxime propinqui erant solebant fratres et sorores appellari,* and Cicero[i] calls his cousin Lucius 'brother;' so Lot is called 'Abraham's brother[j],' though he was but the son of his brother Haran, just as near as his wife Sarah was to him, whom for the like reason he called sister: but of this I shall yet give a further account. But whether Josephus said true or no, Abraham said true, that's certain: either she was his half-sister or his brother's daughter, either of which is forbidden in Leviticus: and this sufficiently declares that they have their unlawfulness from a positive law, not from any law of nature.

§ 33. If it were needful to instance in any other great examples of such marriages, it were very easy to do it. Amram the father of Moses married his aunt as some suppose[k], Diomedes and Iphidamas among the Greeks married their mothers' sisters[l], and Alcinous took to wife Arete his brother's daughter[m]. Andromede was promised to her uncle Phineus[n]. One of the Herods married his brother's daughter[o], and yet was not (so far as we find) reproved

[a] [? Sueton. vit. Domit., cap. 22.]
[b] [Tacit. ibid., cap. 7.]
[c] [In vit. Claud., cap. 26: he does not however give the name.]
[d] [Dio Cass., lib. lxviii. cap. 2.]
[e] [Cuspin. in vit. Heraclii.]
[f] [Halach. *Isura Bia,* apud Seld. de jur. nat. et gent., lib. v. cap. 10.]
[g] [Antiq. Jud., lib. i. cap. 12. p. 29.]
[h] Lib. xv. de civit. Dei, c. 16. [tom. vii. col. 398. E.]
[i] De fin., lib. v. [cap. 1.]
[j] [Gen. xiii. 8.]
[k] [Exod. vi. 20.]
[l] [Hom. Iliad., E. 412, A. 226.]
[m] [Hom. Odyss., η. 66.]
[n] [Ovid. metam., v. 1.]
[o] [Herod the Great,—Joseph. antiq.

for it; and he gave his own daughter to his brother Pheroras [p], and some suppose this to be the case of Othniel, in the days and under the conduct of Joshua. For the words in the story are these [q], "and Othniel the son of Kenaz, the brother of Caleb took it; and he gave him Achsah his daughter to wife:" but of this I shall give a particular account; for this being against the law of Moses by which they were bound, was not to be supposed easily to have been done by so pious persons: but all that I contend for, is, that it was not unlawful before the law of Moses; against these marriages there was no *opus scriptum in cordibus*, no law of nature, but they became unlawful upon another account, and therefore it was unlawful to them only to whom that account was to be reckoned.

OF THE MARRIAGE OF COUSIN-GERMANS.

§ 34. From the premises it will abundantly follow, that no person ought to be affrighted with the pretences of any fierce and mispersuaded person that the marriage of cousin-germans is against the law of nature: and in this case a man need least of all to fear; for the law of nature is a known and evident thing, it is notorious and felt, and if any man shall need to be told what is against natural reason, which is the matter out of which all natural laws are framed, he may as well have need to be reminded when he is hungry or thirsty. For although some persons have got a trick to scare their proselytes from a practice to which they have no mind by telling them it is against the law of nature, when they can prove it upon no other account to be unlawful, so making the law of nature to be a sanctuary of ignorance and an artifice to serve their end, just as the pretence of occult qualities is in natural philosophy; yet concerning the law of nature, it being imprinted in our hearts, explicated by christianity, relying upon plain, prime, natural reason, a man may as much need to be told when himself does a thing against his own will, as when he does against his own reason and his own nature. Only it is certain that when education and our country customs have from the beginning possessed our understandings and our practices, so that we never saw any other usage of things or heard talk of any other, it looks as if it came from nature and were something of her establishment. So S. Paul to the Corinthians, "Does not even nature herself teach that it is a shame for a man to wear long hair [r]?" that is, even in nature there is the signification of some difference in that matter, which custom hath established into a law; but in such cases as these, a wise man can easily distinguish words from things, and appearances from firm establishments. But that the law of nature hath nothing to

Jud., lib. xvii. cap. 1. § 3. p. 751.] Joseph. ibid.]

[p] [Pheroras refused the marriage, and she married Phasael, Herod's nephew.—

[q] [Josh. xv. 17.]

[r] [1 Cor. xi. 14.]

do in the marriage of cousin-germans, save only that she hath left them to their liberty, appears from all the premises, which in this instance as being further removed must needs conclude stronger than in their own.

§ 35. But then in the next place if the enquiry be made what it is in the judicial law of Moses, which is the main of our present enquiry; supposing the judicial law of Moses could in any of its instances oblige Christians, yet cousin-germans were still free to marry: for I do not so much as find it pretended by any one to be there forbidden, except S. Ambrose[s], who disputing fiercely against Paternus for marrying his son to his grandchild by another *venter*, that is, so as the young gentleman was uncle to his wife, in anger against that says that by the law of God (meaning in Leviticus) cousin-germans are forbidden to marry, 'much more,' says he, 'uncle and niece:' *qui enim leviora astringit, graviora non solvit sed alligat;* 'he that binds to the less does not untie the greater.' But the event of this is only that S. Ambrose is by all learned men condemned for an ἁμάρτημα μνημονευτικὸν, 'a slip in his memory:' and men ought to be wary lest great names abuse them by opinion and mistaken zeal.

But the law is this, Levit. xviii. 6. "None of you shall approach to any that is near akin to him, to uncover their nakedness: I am the Lord."

Here the questions use to be,

1) What is meant by 'none of you:'

2) What is intended by 'near of kin to you:'

§ 36. 1) 'None of you:' *Vir vir non accedet:* ἄνθρωπος ἄνθρωπος in the LXX. 'A man, a man shall not approach;' so it is in the Hebrew; that is, say the rabbins, the Jew and the gentile shall not. I shall not contend for it, or against it. I suppose it may well be admitted that potentially all mankind was included, that is, all who were born to Israel, or adopted by being proselytes, were bound to this law, Jews and gentiles too when they became Jews in religion; but that it included others that conversed not with the nation, that were strangers to their laws, is as if we should say the Parthians were to be judged by the Gallic laws, or the Persians guided by the Greeks. But the purpose of them who would introduce this sense, is, that it might be intimated that these degrees here mentioned were forbidden by the law of nature, and consequently obliging all christendom: the contrary whereof because it appears from the premises, I shall only add, that no nation of old did observe all these laws, and that there was never any sufficient argument to inforce upon us their obligation, and because it must needs remain to us as it was before the law, if they were not obliged then neither are we. But this I suppose they might be, and some of them were obliged by special laws before the collection and publication of the body of Moses' law. For as the law of Christ is a collection and perfect explication of the

[s] S. Ambros. ad Paternum, ep. lxvi. [al. lx. tom. ii. col. 1019 A.]

law of nature and essential reason, so Moses' law was a collection of all the wise and prudent laws by which God governed those nations and those ages which were before Moses. Thus the law of the sabbath was one great member of this collective body of the mosaic law, but it was given before the solemnities of mount Sinai: the law that the brother should raise up seed unto his brother who died without issue, was also given to that family before the publication of it by Moses, as appears in the story of Judah, and Thamar's quarrel about Onan and the rest. And thus also I suppose that all or most of these laws of marriage were given to the nations of the east and south, descending upon them by the tradition of their forefathers; from God derived to Adam in part, and in part to Noah, and something of it to other patriarchs and eminent persons, and at last by the commandment of God united into a digest by Moses.

§ 37. And upon this account it is that God said that the Canaanites had polluted themselves in all these things, and therefore the land did spue them out, which although it cannot infer that these laws did naturally oblige, as I have already discoursed[t], yet that they were by some means or other bound upon them is probable enough, though in this matter there be no certainty. But in this there is; for that all mankind was not bound by all these laws of consanguinity and affinity appears in all the foregoing instances: and the marriages of the patriarchs must conclude them to be as impious as the Canaanites in theirs, or else that these laws did not oblige all mankind; and if not from the beginning, then not now: if these laws were not natural, they are not christian, which also will further appear in the sequel.

2) But there will be more consideration upon the second *quære*, what is meant by 'near of kin to you:'

§ 38. Our English is not sufficiently expressive of the full sense of it. The Latin is something nearer to the Hebrew, *Vir vir non accedet ad propinquitatem carnis suæ*, 'to the nearness of his flesh,' πρὸς οἰκεῖα σαρκὸς, or as other books πρὸς οἰκείαν σαρκὸς, *ad domesticam carnis suæ*, to her that is so near of kin, that they usually dwell in the same house, that is, parents and children, brothers and sisters, or our parents' brothers and sisters. In these cases there being ever the same account of consanguinity and affinity, this rule takes in all that is there forbidden. But it is highly observable that there is great difference between *propinqui* and *cognati*. God never forbad to marry our kindred, but He forbad to marry the nearness of our flesh: which phrase when we rightly understand this whole question will be quickly at an end.

§ 39. For 'near of kin' is an indefinite word and may signify as uncertainly as 'great' and 'little' do, nothing of itself determinately, but what you will comparatively to others: and it may be extended to all generations of mankind where any records are kept as among the Jews they were; from Judah to Joseph the espoused of the

[t] Supra, § 14. [p. 369.]

B. virgin, from Benjamin to Michol, from Levi to Heli: and thus it is in great proportion amongst the Spaniards and Welch, and in all nations in their greater and more noble families. The Welch do to this day esteem him near of kin to them whom the English do not; and since we see the prohibition of marriage with kindred hath been extended sometimes, and sometimes contracted, it is necessary that all lawgivers do express what is meant by their indefinite terms.

§ 40. Hemmingius[u] gives a rule for this as near as can be drawn from the words and the thing. *Propinquitas carnis*, says he, *quæ me sine intervallo attingit;* that is, she that is next to me, none intervening between the stock and me: that is, the propinquity or nearness of my flesh above me is my mother, below me is my daughter, on the side is my sister. This is all: with this addition, that these are not to be uncovered for thy own sake; thy own immediate relation they are. All else which are forbidden are forbidden for the sakes of these, for my mother's or my father's, my son's or my daughter's, my brother's or my sister's sake; only reckon the accounts of affinity to be the same; *affinitates namque cum extraneis novas pariunt conjunctiones hominum, non minores illis quæ e sanguine venerunt*, said Philo[x]; 'affinity makes conjunctions and relations equal to those of consanguinity:' and therefore thou must not uncover that nakedness which is thine own in another person of blood or affinity, or else is thy father's or thy mother's, thy brother's or thy sister's, thy son's or thy daughter's nakedness. This is all that can be pretended to be forbidden by virtue of these words 'near of kin' or 'the nearness of thy flesh.'

§ 41. And this we find expressed in the case of the high-priest's mourning: 'the high-priest might not be defiled for the dead among his people, but for his kin that is near unto him he may[y];' that is, 'for his mother and for his father, and for his son and for his daughter, and for his brother, and for his virgin sister.' This is the *propinquitas carnis*, she that is immediately born of the same flesh that I am born of, or she out of whose flesh I am born, or she that is born out of my flesh, is this 'near of kin.' There is no other propinquity but these; all else are removed: and when a bar does intervene, all the rest are or may be accounted 'kindred,' but not 'near of kin;' not the nearness of my flesh, which only is here forbidden.

§ 42. Only this more; that since the prime natural law does forbid the marriage of the ascending and descending line. that is, fathers and children, and so consequently and by a stronger reason grandchildren, and downwards for ever in descent; God was pleased to set a προφυλακὴ, a bar and a hedge round about this, to keep men off, far off from it, that if men would be impious they might not at first

[u] [De conjug., p. 84. ed. 8vo. Lips. 1578.]

[x] De leg. special. [tom. ii. p. 303. ed. Mangey.]

[y] [Levit. xxi. 1, 2.]

come to the highest step: and therefore as God placed the prohibition of brother and sister under, so on the side of it He forbad the marriage of uncles and aunts; for they are thy father's or thy mother's 'near kin,' they are to them the *propinquitas carnis:* therefore for the reverence of father and mother the Jews were bidden to keep off one step more, for the last step of lawful is soon passed over into the first step of unlawful, and therefore God was pleased to set them further off. And the christian divines and lawyers well understanding this, express the prohibition to this sense, that uncles and aunts are not to be married, because they are *loco parentis;* they are *quasi parentes,* images of fathers and mothers, for the reverence of which the marriage of our uncles and aunts respectively are forbidden. This is just as it was forbidden to the Jews to make an image; which thing could not have any moral or natural obliquity, but it was set as a προφυλακή, a guard and a hedge to keep them off from worshipping them. The case is the same here, for the Jews were as apt to comply with the Egyptians and Canaanites in their incestuous mixtures, as in their idolatrous worshippings; but therefore the hedges were placed before them both. But half an eye may see the different accounts upon which in this place there was passed an equal prohibition.

§ 43. But besides all this, what better determination can we have of these indefinite words of 'near of kin,' or 'the nearness of thy flesh' (for those are the words in the Hebrew, so they are to be rendered) than the express particulars made by God himself in that very place; where none are reckoned in the equal collateral line but brothers and sisters and their *affines* or allies, their husbands and wives respectively; none in the unequal collateral line but uncles and aunts and their allies; in the ascending and descending line fathers and mothers, their children and their grandchildren with their allies; in all which there is nothing at all that concerns cousin-germans, neither upon any thing of this account can they be supposed to be forbidden, or to be 'the nearness of our flesh.'

§ 44. But if any scrupulous person shall enquire further, and suspect that some degrees or persons are forbidden to marry that are not here expressed, but included by a parity of reason, as it happens in another instance; for it is not forbidden to marry our mother's brother's wife, but because here it is made unlawful to marry father's brother's wife, it is to be concluded also for the other, there being the same degree and the same reason:—I answer to this by parts;

§ 45. 1) It is very likely that it is so intended that in equal cases there is an equal prohibition: but it cannot certainly be concluded and relied upon that it is so, *a*) Because upon this account cases of fear and scruple might very much be multiplied to no purpose: for I remember that Fagius reckons out of the books of the rabbins twenty persons forbidden to marry, which yet are not reckoned in

Leviticus. β) Because of the rule of the law, l. 'Mutus,' 43. *D. De procur.*[z]—*Quod lege prohibitoria non vetitum est, permissum intelligitur;* 'in negative precepts that which is not forbidden is presumed to be allowed.' And to add more out of fear is either to be wiser than the lawgiver, or to suspect him to be apt to quarrel by unknown measures, and secret rules of interpretation. γ) Because I find that amongst wise nations the same degree does not always admit the same prohibition. To marry my father's sister was forbidden, and it was not forbidden to marry my brother's daughter, but it was sometimes practised amongst the Hebrews: and they give this reason for it, because young men daily frequenting the houses of their grandfathers and grandmothers converse with their aunts, and are therefore forbidden to marry lest such conversation should become their snare; but to the houses of their brethren their address is not so frequent, their conversation more separate, and their interest and expectations less, and therefore to marry the daughters of their brother might with more safety be permitted because there is less temptation. Thus by the laws given to the sons of Noah, the Jews observe that it was permitted to marry the sister by the father's side, but not our sister by the mother. It was Abraham's case; for as Saidus Batricides[a] the patriarch of Alexandria about seven hundred years since in his ecclesiastical annals tells out of the monuments of the east; 'Thare begat Abraham of his first wife Jona, and she being dead he married Teheviths, and of her begat Sarah, Abraham's wife: and this is it which he said, 'she is the daughter of my father, but not the daughter of my mother:' from whence they suppose this not to be permitted, and that the other was: for so R. Jarchi[b] glosses those words of Abraham now quoted; *Quoniam inter gentes ratio consanguinitatis paternæ neutiquam habebatur,* 'because among the gentiles (meaning, by the law of nature, or the law given to Noah) there was little or no account made of kindred by the father's side in the matter of marriages.' So amongst the Romans after the time of Claudius it was permitted to marry the brother's daughter, but not the sister's daughter, as appears in the rules of Ulpian, but the reason of this particular instance I confess I cannot learn, I only observed it to this purpose that amongst wise nations the same degree hath not the same prohibition.

§ 46. But I am willing enough to admit it with these cautions: *a*) That there be not only the same degree but the same reason. For as Ulpian well observes in his rules, *In quarto gradu permittitur connubium extra eas personas quæ parentum liberorumque locum habent.* therefore says he they add 'that the great aunt by the father's and by the mother's side, and the sister's niece may not be married,' *quamvis quarto gradu sint,* 'although they are in the fourth degree:' because the prohibition is not always for the nearness or for the degree, but

[z] [Digest., lib. iii. tit. 3. l. 43. col. 84.] cap. 2.]
[a] [Selden. de jur. nat. et gent., lib. v. [b] [In loc. apud Selden., ibid.]

for the proper reason; and if you could suppose a woman to live to see six generations of her line, yet it is unlawful for her to marry that sixth degree of nephews, and not unlawful to marry the first degree of cousins.

§ 47. β) In the descending line the case is otherwise than in the equal line. Here the further off the persons are the less reason still there is they should be forbidden: but in the descending line the further the persons are removed the greater cause there is they should be forbidden; therefore there is no comparison between the cognation of uncles and their nieces, and the cognation of cousins in the equal lines, because the reason distinguishes them, not the kindred or nearness to the common parent.

§ 48. γ) It is true which is affirmed in the law, *in pari cognationis gradu, par idemque jus statuatur;* 'when the cognation is the same, the law is so too;' that is, if it be measured in the same kind of cognation, ascending compared to ascending, equal collateral to equal collateral, unequal to unequal; for when the comparison is of things in the same order, then not only the degree but the reason is most commonly the same too, and that is principally to be regarded.

§ 49. But though I am willing enough to admit this rule with these cautions, yet many others will not, nor think it reasonable that any thing should be supposed to be forbidden in the levitical law, but what is there set down, excepting the descent of children, in which it is not easy to prevaricate beyond the degrees forbidden expressly, if a man had a mind to it, and it was never heard of that a marriage was thought of between a woman and her great grandfather. And they give this reason why they limit themselves to the degrees expressed: because unless God had intended there a perfect enumeration of all the persons forbidden to contract marriages mutually, it cannot be imagined why He should be pleased to repeat some degrees twice which are equally forbidden in the several instances; for if the parity of cognation were to be the measure, then those degrees which are twice repeated might without such repetition have better been reduced to the rule, under which they were sufficiently prohibited.

§ 50. 2) But whether it be or be not so, yet it can no way reach to the case of cousin-germans: for there is in Leviticus no degree equally near that is forbidden, except of such persons which are in the place of parents, who are prohibited upon another account.

§ 51. But that which ought to put it past all question that the marriage of cousin-germans was not prohibited by the levitical law either expressly or by consequence and parity of reason, is this: because it was practised by holy men both before and after the law, and so ordered to be done by God himself. In the law there are no words against it, no reason against it expressed or intimated in a parity of prohibition given to something else, and it was frequently practised amongst persons of a known religion, and was by God given in com-

mand to some persons to do it; therefore nothing is more certainly warranted, excepting only express commandments.

§ 52. The particulars I relate to in scripture are these; Jacob married his cousin-german Rachel the daughter of his uncle Laban; Amram the father of Moses begat him of his cousin-german Jochabed[c]. That she was his aunt is commonly supposed, but the LXX. and the vulgar Latin report her to be his aunt's daughter, though by the style of the Hebrews she was called his aunt; just as Chanameel is called in some books the uncle of the prophet Jeremy, when he was really his uncle's son[d], and so the vulgar Latin bibles read it; and Lot was called brother by Abraham when he was his brother's son. Caleb having promised his daughter Achsah to him that should take Kirjath-Sepher, she fell to Othniel the son of Kenaz Caleb's brother; so Pagnine and Arias Montanus read it, *filio Kenaz fratris Caleb*, meaning Kenaz to be Caleb's brother. So that Othniel and Achsah were brothers' children; for it cannot be supposed that Othniel was Caleb's brother and so was uncle to Achsah, for that being forbidden in the law of Moses under which Othniel and Achsah lived, was not a thing so likely to be done and consented to by Caleb; as I have already noted[e].

§ 53. But the matter was made more notorious in the case of Zelophehad's daughters[f], who because they were heiresses were commanded to marry their kindred; and they married their father's brother's sons. This was a special case, but therefore it was a special command; and what was in all cases lawful was made in this case necessary. For if the woman was an heiress she was to pleasure her own family rather than strangers. And this was not only amongst the Jews but amongst the Greeks and Latins, as appears by that of the comedy[g],

> Lex est ut orbæ, qui sunt genere proximi
> Iis nubant, et illos ducere eadem hæc lex jubet.

If the woman was without children (add also and without a father, that is, if her father be dead), the next of kindred was bound to marry her: and therefore when Æschylus[h] calls the marriage of certain cousin-germans λέκτρα ὧν θέμις εἴργει, 'marriages which the law forbids,' and affirms μιαίνεσθαι γένος, 'the family is stained by it;' the scholiast adds that therefore these marriages are unlawful because the fathers were alive; and so it was not unlawful upon the stock of kindred, but because the maid was ἐπικληρῖτις, 'an heiress,' and might not marry without her father's leave. This woman was called among the Greeks ἐπιδικαζομένη, 'a woman determined by law,' and already judged to such a marriage, πατροῦχος, and ἐπίκληρος, or

[c] [Exod. vi. 20.]
[d] [Jer. xxxii. 12.]
[e] [§ 33. p. 382.]
[f] [Num. xxxvi.]
[g] [Terent. Phorm., i. 2. 75.]
[h] In Danaid. [Suppl. 38.]

ἐπικληρῖτις· and to them that were so it was not free to marry any one, they must marry their kindred:

Hic meus amicus illi genere est proximus,
Huic leges cogunt nubere hanc [l].———

And we find in the old civil law that one Cassia was declared *inheretrix* upon condition, *si consobrino nupsisset*, 'if she did marry her cousin-german,' *l.* 2. *C. de instit. et subst.*[k]; and Papinian, *l.* 23 *et* 24. *D. de ritu nuptiarum*[l], affirms, *conditionem illam, si consobrinam duxerit, hæreditatis institutioni utiliter adjici posse;* 'it is a legal and a fair condition and may be the limit of an inheritance, that the heiress be bound to marry her cousin-german.' And this in some measure was the case of Ruth, whom Boaz, great-grandfather to king David, did marry by the right of a kinsman. "Now it is true," saith he[m], "that I am thy near kinsman, howbeit there is a kinsman nearer than I:" which kinsman because he refused to marry Ruth, Boaz took her to wife, and she became a mother in the line of the Messias; for Christ came out of her loins according to the flesh.

§ 54. Into which line because this argument hath led me, I offer it to consideration as the last and greatest example of the lawfulness and holiness of such marriages under the law of Moses, and as a warranty to all ages of the Christians: the B. virgin Mary the mother of our most B. Saviour was married to her cousin-german, as was supposed upon this reason: for her husband Joseph was the son of Heli, saith S. Luke[n], that is, the legal son of Heli, for 'Jacob begat him,' saith S. Matthew[o]. Now Heli and Jacob were brethren, the sons of Matthan who was grandfather to Joseph and Mary; for unless by the cognation of Joseph and Mary the same genealogy had served for them both, the reckoning of the genealogy of Joseph could not have proved Jesus to have descended from David. But if this instance should fail, and that their consanguinity (for they were cousins) did stand at further distances; yet there are examples and reasons and authentic presidents[p] already reckoned enow to warrant us in this enquiry.

§ 55. By all which it appears what was the state of these marriages under the law of Moses, and yet all the scruple at which weak persons start or stumble, is derived from that sanction in Leviticus, which in despite of all reason and all precedents and all observations whatsoever they will needs suppose to be a natural and moral law, so making eleven commandments; for certain it is that the ten commandments was to the Jews the sum of their moral law, in which since some things that were ceremonial were inserted, it is not likely that any thing that was moral should be omitted. In the ten words of Moses there was nothing less than their whole moral law, though

[l] [Terent.] Adelphi. [iv. 5. 17.]
[k] [lib. vi. tit. 25. l. 2. col. 521.]
[l] [De conditione institutionis, lib. xxviii. tit. 7. ll. 23, 4. col. 883.]
[m] [Ruth iii. 12.]
[n] [Luke iii. 23.]
[o] [Matt. i. 16.]
[p] ['precedents,' C, D.]

something more there was; but this of forbidding cousins to marry was no where put. If it had been put in Leviticus it was but national and temporary; for I have proved it was not against the law of nature, which permitted nearer relatives than cousin-germans to marry: I have also proved that the sanction of Moses did only oblige Jews and proselytes; that if they had obliged all, yet cousin-germans are not there expressly forbidden, and if they be not there expressly forbidden they are not forbidden at all; but in case that other degrees of equal distance and reason were there forbidden, though not expressed, yet this of cousin-germans is not by any consequence or intimation of that forbidden, because no degree is there forbidden which can involve this, but it hath a special case of its own in which this is not at all concerned, and all this I strengthened with examples greater than all exception.

§ 56. It remains now that we descend to the christian law, and enquire whether our great master and lawgiver Jesus Christ hath forbidden cousin-germans to marry? But this is soon at an end, for Christ spake nothing at all concerning marriage but one sentence which reduced it to the first state of nature, save only that He left us in all things bound by the laws of nations and our just superiors, of which two last I shall give account in the following periods. But of that which Christ said the sum is this only; "For this cause shall a man leave father and mother and cleave to his wife, and they two shall be one flesh." By which words He did establish all that was natural and moral in this affair. "A man shall leave father and mother," by these words are forbidden the marriage of parents and children; "he shall cleave to his wife," by this is forbidden *concubitus masculorum;* "his wife," by this is forbidden adultery or the lying with another man's wife, and extra-nuptial pollutions. *Erunt duo,* "they two," by that is forbidden polygamy; *in carnem unam,* "shall be one flesh," by this is forbidden bestiality or the abuse of *caro aliena,* the flesh of several species; which are all the unlawful and unnatural lusts forbidden by God in the law of nature, and that which was afterwards given to all mankind, and inserted in the levitical law as the consummation and main design of the other prohibitions which were but like hedges and outer guards to these.

§ 57. There is in the New testament only one law more which can relate to this question of marriages: "Provide things honest in the sight of all men[q]," and "Follow after things which are of good report[r]." That is, whatsoever is against public honesty, the law of nations, the common sense of mankind, that is not to be done by Christians, though of the instance there be no special prohibition in the laws of Jesus Christ: and Modestinus[s] the lawyer said well, *In nuptiis non solum quid liceat, sed etiam quid honestum sit, semper est respiciendum.* Concerning which lest there be a mistake in it, I pre-

[q] [Rom. xii. 17.] [r] [Phil. iv. 8.] [s] [Digest., lib. xxiii. tit. 2. l. 42. col. 681.]

mise this caution in general, that we do not take false or weak estimates of public fame and honesty. Nothing but the laws of God and men, or the universal sentence of that part of mankind with whom we any ways converse, is the measure of public honesty. Thus for a bishop to ride on hunting in his pontificals, or for a priest to keep an alehouse, is against public honesty; of the same nature are, for a woman to paint her face, or to go in man's apparel: but when a thing is disputed on both sides by good and learned men, to do either is not against public honesty. That's a certain rule; for when a thing is called good and honest by wise and good men, the question is divided, and therefore cannot be united against either of them. Upon this account S. Paul reproved the incestuous Corinthian, because he had done a fact which was not so much as named, that is, approved amongst the gentiles, that one should have his father's wife. Caracalla indeed did it afterwards, and it was before his time done in the family of Seleucus; but these were insolent examples, ever disallowed by the Romans, and all the nations within their circuit: and consequently the Greeks had long before S. Paul's time been more restrained in their too great licentiousness of marriages. And when the custom of this thing had procured a licence for it amongst the Scots, S. Margaret, wife to Malcome III. their king, did reduce the contrary law of nations, and forbad a son to marry his father's wife, or a brother to marry his brother's widow[t].

§ 58. Beyond this the New testament having nothing, if we reduce this to the present question we must consider whether the marriage of cousin-germans be against public honesty or good report, that is, whether it be condemned by the law of nations and the prevailing sentences or practice of wise men.

§ 59. Concerning this, I find that Plutarch[u] speaking of the ancient laws and usages of the Romans in marrying their kindred, says it was a practice before it was a law: and there happened to be a case of a good man who had a great advantage by marrying his cousin-german; upon occasion of which the people made a law that it should be permitted to any one to do it, *ψηφισάμενος πᾶσιν ἐξεῖναι γαμεῖν ἄχρις ἀνεψιῶν, τὰ δὲ ἀνωτέρω κεκωλύσθαι.* Now this was very ancient, and before this law for it I find no law against it: only if Claudius in Tacitus[x] said true they were *diu ignorata*, no notice of them, or but seldom examples. Concerning which discourse though men are pleased to talk as serves their turns, yet it is very certain that the elder the times were, the more liberty there was of marrying their kindred. However, there was an early law for it and none against it, that I find; and when it began to be considered, *tempore addito percrebuerunt*, saith Tacitus, they in time grew frequent. In the ora-

[t] [Selden, de jur. nat. et gent., lib. v. cap. 11.]

[u] [Quæst. Rom., tom. viii. p. 76.]

[x] [Annal., lib. xii. cap. 6.]

tion of Sp. Ligustinus in Livy[y] there is this clause, *pater mihi uxorem fratris sui filiam dedit,* 'my father gave me to wife his own brother's daughter:' and Quintilian[z] mourning for the immature death of his son, affirms that he was designed to be son-in-law to his uncle. So Cicero *pro Cluentio*[a] says that his sister married Melinus her cousin-german, and Augustus Cæsar gave his daughter Julia to Marcellus the son of his sister Octavia[b]. The brave Brutus who was the example of a rare moral man and a noble patriot was married to Portia the daughter of his wise uncle Cato; and that incomparable prince Marcus Antoninus the philosopher and emperor was married to his nearest cousin Annia Faustina[c], she was his cousin-german. But thus it was at the beginning, and thus it was at the ending of the Roman state and empire. At the beginning, the two daughters of Servius Tullius were married to their cousin-germans Lucius and Aruns, the nephews of Priscus Tarquinius: Livy[d] indeed says it was not certain whether these young gentlemen were uncles or cousin-germans to their wives, that is, whether they were sons or nephews[e] to Tarquinius Priscus, but Dionysius Halicarnasseus[f] contends earnestly that they were nephews. Toward the declination of the Roman period and state we find that Constantius the emperor gave his sister to her cousin Julianus.

§ 60. These and all the foregoing examples of the wisest, of the best, of the most holy persons, patriarchs and kings, consuls and philosophers, lawgivers and saints, the practice and customs of the greatest and most civil nations are infinitely sufficient to dash in pieces this weak pretence (if any should make use of it) that the marriage of cousin-germans is against public honesty, and so consequently not of good report. For that which God never forbad, but sometimes did actually command, which the patriarchs did practise, which the church of the Jews never scrupled at, but always were accustomed to it; which wise men and good men have done without reproof; which was admitted by the law of nations; and is no where contradicted in scripture, which records many authentic precedents of such marriages; in all reason ought to be of good report. And certainly nothing hath done dishonour and so lessened the fame and good opinion of such marriages, as the very making a question concerning its lawfulness, and making a scruple even after the question is well determined. To be suspected, lessens the fame of any man or any thing: the doing justice to this article will do it reputation enough.

§ 61. If we now shall enquire how the civil law of the Romans did determine of these marriages, we shall be helped much in the

[y] [lib. xlii. cap. 34.]
[z] [Instit. orat., lib. vi. procem. § 13.]
[a] [cap. v.]
[b] [Dion. Cass., lib. liii. cap. 27.]
[c] [Capitolin. vit. M. Aurel. Anton., cap. i.]
[d] Lib. i. ab U. C. [cap. 46.]
[e] [i. e. 'grandsons,'—See vol. vii. p. 504.]
[f] Antiq., lib. iv. [cap. 28. tom. i. p. 223.]

cure of the former fear. For if the law of the Romans allowed it, that law which had so many brave and wise composers, and which so many nations allowed of and practised, and still do in very many kingdoms and republics, we have no reason to think it can be of ill report. But concerning this the matter is not very disputable: it is notorious that the civil law did allow it; *l.* 1. § '*duorum*,' *Inst. de nupt.*[g] *et l.* '*non solum*.' § 1.[h] *D. de ritu nupt. C. de inst. et subst.* Paulus the lawyer said[i], *Si nepotem ex filio et neptem ex altero filio in potestate habeam, nuptias inter eos me solo auctore contrahi posse Pomponius scribit, et verum est:* and Antoninus the emperor said[j], *Non videri potest sub specie turpium nuptiarum viduitatem tibi indixisse, cum te filio sororis suæ consobrino tuo probabili consilio matrimonio jungere voluerit.* I need in this say no more. It was always permitted in the Greek and Roman laws, till the time of Theodosius, who being over-ruled by S. Ambrose, forbad it by an express law: *Tantum pudori tribuens continentiæ ut consobrinarum nuptias vetuerit tanquam sororum,* said Aurelius Victor[k]; 'he thought it more nice and modest if he should enlarge the laws, and restrain what was not restrained before.' But this as it arose suddenly, so as suddenly was extinguished; for it was abrogated by Arcadius and Honorius his sons, whose constitution to this purpose is in Justinian, *l.* '*Celebrandis*' *C. De nuptiis*[l], in which these words are remarkable, *Revocata prisci juris auctoritate, restinctisque calumniarum fomentis, matrimonium inter consobrinos habeatur;* 'the law that forbad them was occasioned and fomented by calumnies; which being dispersed, the authority of the ancient law was recalled.'

§ 62. This only I am to admonish, that in the Theodosian code the law of these emperors seems to say otherwise; as is to be seen under the titles of *Si nuptiæ ex rescript. petant,* and *De incestis nuptiis.* But the forgery is notorious enough: for when Alaric king of the Goths had commanded his subject Arrianus the lawyer to make a breviary of the code, he fitted those laws to the customs of his own country, and so abused the law of Arcadius and Honorius; as appears plainly by comparing those constitutions which passed under the fingers of Arrianus, with those which under the same rubrics are in the code of Justinian. For in this there is not one word spoken of the marriage of cousin-germans under those titles. And as he hath done in the breviary of the Theodosian code, so he hath done in the epitome of Caius' institutions (he, or some such fellow as bad), and made the civil law as he pleased expressly against the known sanction of all the old law of the braver Romans. The same also was done by Theophilus, who recited this law according to the manners of his own time, and recites the law of Justinian exactly

[g] [Inst., lib. i. tit. 10. col. 26.]
[h] [ibid., tit. ii. col. 27.]
[i] L. 'Si Nepot.' 3. D. de rit. nupt. [Digest., lib. xxiii. tit. 2. col. 676.]
[j] [L. 'Conditioni.' 2. C. de instit. et subst. [lib. vi. tit. 25. col. 521.]
[k] [Hist. Rom., cap. xlviii.]
[l] [lib. v. tit. 4. l. 19. col. 369.]

contrary to Justinian's sense by clapping a perfect negative to his direct affirmative: but Curtius the Latin interpreter of Theophilus hath set it right again according to the true intent of the civil law. But it may be I do not well to trouble the question with these little things, when the great lines of duty are so plain and legible: and concerning this we have a full testimony from S. Austin[m]; who having observed that in his time cousin-germans did not often marry, *Experti sumus*, says he, *in connubiis consobrinarum etiam nostris temporibus . . . . quam raro per mores fiebat, quod fieri per leges licebat, quia id nec divina prohibuit, et nondum prohibuerat lex humana;* that is, 'for cousin-germans to marry was neither prohibited by the laws of God nor man;' and so we have a testimony beyond exception concerning the civil law, and the law of God, and the law of the church till his time. Now if it be objected that he says it was done but seldom, it is no wonder. S. Ambrose and Theodosius a little before that time had caused some restraint and made the matter uneasy: and besides this, if any man could observe concerning any one sort of persons how seldom they marry, that is, how few examples any one man can observe of any degree though never so distant, this will appear but light as the dew upon a flower, or the down of a thistle. It is lawful for a father and his son to marry a widow and her daughter, and for two brothers to marry two sisters, and no man questions any thing of it; but *Quam raro hoc per mores fiat;* how many examples can any one man reckon? Can he tell so many in one age and of his own notice, as to make them up a multitude? and yet this would be but a weak argument against it, and not worth a further consideration.

§ 63. That which is to be enquired next into is the canon law; and that indeed does forbid it: but how, and to what purpose, and with what obligation, will not be wholly useless to consider.

§ 64. 1) In the very first canons of the church (excepting only that one framed in the council of Jerusalem, Acts xv.) which are commonly called the canons of the apostles[n], there is a caution against incestuous marriages, but the instances are only, 'He that marries two sisters, or his brother's widow or daughter.' The penalty is, 'he may not be received into holy orders:' but for the matter of cousin-germans it was not forbidden. Until S. Austin's time and thereabouts it was true that *nondum prohibuerat lex humana, divina nunquam:* 'God's law had never, and till then man's law had not forbidden it,' that is, it was then in all senses lawful: and in the synod of Paris[o] almost six hundred years after Christ, those are defined to be unlawful marriages *quæ contra præceptum Domini contrahuntur,* 'which are against the divine law,' none else; amongst which the present case is not to be suspected: and in the old canons of the church all the

[m] Lib. xv. c. 16. de civit. Dei. [tom. vii. col. 398 D.]

[n] [Can. xv.—Coteler. patr. apost., tom. i. p. 444.]

[o] [Concil. Paris. iii. (A.D. 557. Harduin.) can. 4. tom. iii. col. 338 C.]

prohibited instances were comprised in these verses, which was their authentic table:

> Nata, soror, neptis, matertera, fratris et uxor,
> Et patris conjux, mater, privigna, noverca,
> Uxorisque soror, privigni nata, nurusque,
> Atque soror patris, conjungi lege vetantur [p]

But in some assemblies of the bishops about this time, a little before or a little after, the manners of the nations being spoiled with wars rudeness and barbarism, they contracted incestuous marriages: and it was therefore thought fit that as the marriage of uncles and nieces were forbidden as a hedge to keep them further off from father and mother, son or daughter, so this of cousin-germans was set as a προφυλακὴ or an outward court to keep them from marrying brother and sister. And therefore Harmenopulus[q] says they were forbidden by the laws of the Greeks. And it was amongst them no more than was highly needful, for a reason which every one knows. But both there and in the Latin church, when the prohibition of cousins' marriage is joined in the same decree with the marrying of sisters, the cause is rendered too suspicious. And yet there was an external cause that had influence upon these sanctions of the church. The Goths then prevailed by the sword, and the church to comply with the conqueror was forward to receive this law from them: for the Goths had it before the Romans, and it is very probable that those barbarous people were the great presidents and introducers of the prohibition.

§ 65. 2) These laws were made by time and accidents, and were extended or contracted as it pleased the popes of Rome, who (as one observes) were for a long time *iniquiores et invidi in maritos*, 'apt and easy to make all restraints upon marriages.' If it were seasonable and fit, it were not useless to observe many instances out of the canon law to this purpose; but I forbear: that which I now observe is, that the prohibition amongst them began with cousin-germans, then it went to the third and fourth degrees, then to seven, then to four again; sometime to six, as in the synod at Cabaillon[r]; sometimes *usque dum generatio agnoscitur, aut memoria retinetur*[s], 'as long as any memory of kindred remains;' and that will be very far in Wales, where they reckon eight degrees and special names of kindred after cousin-germans, and then kin for ever; and truly these canonists proceed as reasonably as their principles would admit. For if cognation or consanguinity was the hindrance of marriage, wherever they could reckon that, they had some pretence to forbid marriage; but if they only forbad it upon the accounts of nature, or by the precedent of the divine law given to Moses they were to stop there where nature

[p] Cap. 'Litteras,' De restit. sponsal. [Decret., lib. ii. tit. 13. cap. 13. col. 599.]

[q] [Prompt. jur., lib. iv. tit. 6. § 5. p. 298. ed. 4to. Gen. 1587.]

[r] [Gratian. decret., part. 2. caus. xxxv. quæst. 2. cap. 21. col. 2005.]

[s] Concil. Tolet. ii. can. 5. [tom. ii. col. 1141 A.] Concil. Worm. [can. 32. tom. v. col. 742 C.]

stopped, or the divine law. But that they would not, as knowing it to be an easy thing to make laws at the charge of other men's trouble.

§ 66. 3) The reasons why the projectors of the canon law did forbid to the fourth or to the seventh degree, were as fit a cover for this dish as could be imagined. They that were for four gave this grave reason for it. There are four humours in the body of a man[1], to which because the four degrees of consanguinity do answer, it is proportionable to nature to forbid the marriage of cousins to the fourth degree. Nay more; there are four elements: *ergo*, to which it may be added, that there are upon a man's hand four fingers and a thumb. The thumb is the *stirps* or common parent; and to the end of the four fingers, that is, the four generations of kindred, we ought not to marry, because, 'the life of a man is but a span long.' There are also four quarters of the world; and indeed so there are of every thing in it, if we please; and therefore abstain at least till the fourth degree be past. Others who are graver and wiser (particularly Bonaventure) observe cunningly, that besides the four humours of the body, there are three faculties of the soul, which being joined together make seven, and they point out to us that men are to abstain till the seventh generation. These reasons, such as they are, they therefore were content withal, because they had no better; yet upon the strength of these they were bold even against the sense of almost all mankind to forbid these degrees to marry.

§ 67. 4) When the canonists appointed what degrees of kindred they would have restrained from mutual marriage, they took their precedent and measure from the civil law, making this their standard, that so long as by the civil law inheritances did descend, so long by the canon law it should not be permitted to kindred to marry; and upon this account they forbad marriage to the seventh degree, because so far the laws appointed inheritances to descend. Now that this is a weak and a false ground appears because inheritance descends even to the tenth degree: and yet suppose it otherwise, yet the popes and other compilers of the canons overshoot their mark extremely; because while they forbidding marriages to the seventh degree pretended to follow some proportions and usages of the civil law, do yet reckon the degrees otherwise than the civil law does, and consequently do forbid marriage to the fifteenth civil degree exclusively. For whereas by the canon law so far as either of the persons is distant from the common parent, so far he is distant from the other in the equal line, so that by this computation cousin-germans are distant in the second degree and no more: but by the civil law there are accounted so many degrees as there are persons besides the common parent, so that in this computation cousin-germans are distant in the fourth degree; and consequently the seventh canonical degree is the fourteenth civil

[1] [Greg. ix. decret., lib. iv. tit. 14. cap. 8. col. 1394: cf. lib. iii. tit. 41. cap. 8. col. 1272.]

degree, the unequalness and unreasonableness of which all lawyers will deride. The same is in proportion to be said of their later reduction of the canonical prohibition to the fourth degree inclusively.

§ 68. 5) These laws gathered by the Roman canonists are not now, nor ever were they obligatory, but by the consent of the people, and the allowance of princes: for bishops in their mere spiritual impresses have no proper legislative power, where princes are christian; and if the prince please he may enlarge or restrain their power, so that he make no intrenchment on the divine law, and do what is useful and profitable. *Fac legi tuæ sepem,* said the Jews[u]; it makes the law firm if you put a hedge about it; and where viler people who had no fear of God were apt to marry sisters or aunts, it was not ill to prohibit something that was lawful, lest they should run into what is unlawful: but this is matter of prudence only, and ought to be separated from the question of lawful or unlawful. But then when the prince does not bind, the subjects are free. *Honesta et justa esse quæ regi placent, et regno utilia,* 'those things which please the king and are profitable to the kingdom are honest and just:' it was truly said but ill applied by Antiochus Seleucus[v].

§ 69. 6) These laws are neither allowed by the prince, nor by the ecclesiastical state in England, and because they were useless and burdensome they were laid aside; for they were but drains for money, and levies of rents; for even under the pope the way was, and is now, open enough to cousin-germans if they have gold enough to purchase the lead. And so it was when the civil law was tuned to the air of the canon law, and both to the manners of the Goths: cousins might marry with a dispensation from the prince; a form of which is to be seen in Cassiodore[w]. But this is one of the many blessings of the protestant religion, that we are not tied to pay money for leave to do a lawful action; so that as the Jews were wont to say, He that hath married a wife that is too near of kindred, let him turn proselyte and then she is not of kin to him, I may in some sense use in the contest between our laws and those of the Roman churches: he that hath or desires to marry a wife of his kindred which is not too near by God's law, but is by the pope's law, let him become a protestant, and then though nothing can be allowed to him which God hath forbidden, yet that leave which God hath given him man shall not take away.

§ 70. 7) If it were at all considerable what is done by the canon law, there is a new device brought in of spiritual kindred, and marriages forbidden to be between such as answer at the font for the same child; that is, if we value the Roman canons, all mankind are in perpetual snare, and that to no purpose.

§ 71. 8) But as for the present enquiry it is considerable that the canon law itself does not pretend it to be against the divine law, but

[u] [Paul. Fag. *Pirke Avoth*, pp. 1, 56.]
[v] [Appian. de reb. Syr., cap. lxi.]
[w] Lib. vii. variarum. [cap. 46. tom. ii. p. 115.]

does it wholly upon other accounts, as I have already instanced; and this appears in the epistle of Rabanus to cardinal Humbert[x]; *Quod pontifices usque ad sextum vel septimum gradum conjugium prohibent, magis ex consuetudine humana quam ex lege divina eos præcepisse credendum,* 'the canons did not intend to signify it to be against the law of God for cousins to marry in the degrees forbidden by the canon law.'

§ 72. 9) And after all, the laws of England do expressly allow it; as is to be seen in the tables of marriage set up in churches usually, and in the statute of 32 of Henry VIII. chapter xxxviii.[y] And it is observable that in England they were allowed to do it ever since they were Christians, unless they were papists. For till pope Gregory's time and Augustine the monk (though christianity had been here almost five hundred years before) it was used by the Britains: and P. Gregory did not think it fit that Augustine should put a restraint upon them (as is to be seen in the British councils collected by that learned and good man sir Henry Spelman[z]), but it was no little interest and power which the popes afterwards procured in the families of princes and other great personages by giving leave to them to marry their near relatives; and their posterity for their own sakes would in all likelihood preserve that power, to which (as things then went) they did owe their legitimation.

§ 73. Although I have passed through all laws that can oblige us in this present enquiry; yet because the chief disquisition is concerning the natural law, and whether or no any prohibition can from thence descend upon the marriage of cousin-germans is the main question; it will be proper here to add one topic more, that is, the prudence or reasonableness of the thing.

§ 74. Concerning which it is observable, that whoever shall go about to assign the proper reasons why certain degrees are forbidden to marry by the law of God, will by experience find it to be too hard for his head: and rabbi Menahem Racanatensis[a] observed, *Quod ad rationem attinet interdictorum incesti, magistri traditionum de ea nihil certi acceperunt;* 'the masters of traditions have received no certain account of those reasons for which God forbad incestuous mixtures.' Indeed if we could find out the prime and proper reason, then by proportions to it we could better understand how far the prohibitions were to be extended: but this is to be despaired of. But yet men have ventured to give such reasons as they could, which how far they are applicable to the present question shall be considered.

§ 75. 1) That kindred ought not to marry is therefore decreed, *ne æmulatio fiat in eadem domo,* says one; 'the same degree of kindred will be apt to love the same man, and so emulation will arise.' Well, suppose that: but if it does; the marrying one of them will

[x] ['Quota generatione licitum sit connubium,' tom. vi. p. 165 F.]

[y] [Statutes of the realm, vol. iii. p. 792. fol. Lond. 1810—22.]

[z] [tom. i. p. 97. ed. fol. Lond. 1639.]

[a] [Selden, de jur. nat. et gent., lib. v. cap. 10.]

determine all the rest, and quiet the strife. But because this proves too much, it proves nothing at all: for upon the same account, a young man should not marry in a family where there are many daughters, *ne æmulatio fiat in eadem domo,* to avoid emulation and competition.

§ 76. 2) Cousins would do better not to marry (says another) *ne habeat duas necessitudines una persona*[b], 'that one person may not be a double relative:' for so names will be confounded, and the same person shall be father and cousin to his own child. But what if he be? and what if a king be both a lord over and a son under his own mother? what if a man be a father and a judge, a brother-in-law and a natural brother, as when two brothers marry two sisters? the more relations and necessitudes there are, it is so much the better, and a twofold cord is not easily broken.

§ 77. 3) It were well that cousins might not marry, that by their kindred they might be defended from the injury of their husbands, in case they should need it. Well suppose this too: yet, α) This does not at all concern the man, for he will not need a defence by his kindred against his wife. β) For the woman, unless she marries all her kindred, the other may be a defence against the violence of one whom she does marry; and will be more likely to prevail in the defence against a kinsman than against a stranger. γ) But if a woman be brought to that pass, her cousin shall do her little advantage against her husband, for such defences do but exasperate and make eternal animosities; but the laws are the best defences. δ) If the cousin will be a sure defence against the husband's injury; then if the cousin be married to her, he will be sure to do her no injury. For he that will do evil himself, is but an ill security to be engaged against another, and he that will prevaricate in the duty of a husband, will hardly secure the peace of the woman by the duty of a kinsman.

§ 78. 4) S. Austin's scruple is this: *Inest nescio quomodo humanæ verecundiæ quiddam naturale ac laudabile, ut cui debet causa propinquitatis verecundum honorem ab ea contineat quamvis generatricem tamen libidinem*[c]; 'there is in the modesty of mankind something that is natural and laudable, by which they abstain from congression with them to whom they own the honour of reverence and modest bashfulness.' This indeed is a good account where the modesty of nature does really make restraints, and owes duty and reverence; and therefore is one of the most proper and natural reasons against the marriage of parents and children, and is by the allowance of some proportions extended to brother and sister; but if it be sent out one step further, you can never stop it more, but it shall go as far as any man please to fancy: therefore let it stop where God and nature hath fixed its first bounds, and let not the pretence of a natural reason or

[b] [De civ. Dei, lib. xv. cap. 16. tom. vii. col. 398 G.] [c] [ibid., col. 399 A.]

instinct, carry us whither nature never did intend; for it is certain she gave larger commissions, however the fears, or the scruples, or the interest of some men have made them to speak otherwise: and I remember concerning Cicero, who sometimes speaks against the marriage of cousins that it is but too reasonable to suppose he did it to remove suspicion from himself, it having been objected against him by Q. Fusius Calenus in Dio[d] that he was too kind and amorous to his own daughter; *filia matris pellex tibi jucundior atque obsequentior quam parenti par est.* So unequal, so uncertain a way it is to trust the sayings of a man, when so frequently the man's opinion is not caused by his reason, but by a secret interest.

§ 79. 5) Pope Gregory[e] in his epistle to the archbishop of Canterbury tries another way; *experimento didicimus ex tali conjugio sobolem non posse succrescere:* if cousin-germans marry they will have no children. But the good man did not remember that the whole nation of the Jews came from the marriage of the two cousin-germans of Jacob, Rachel and Leah; and although by this discourse it seems it was an usual practice to do it, for from the practice only he could pretend to an observation of this event; yet as to the event of the thing itself, it is a very great experience which the world hath, by which his observation is confuted.

§ 80. 6) But the best reason given against the convenience of it, for none pretends higher, is, that it were better if cousin-germans should not intermarry *propter multiplicandas affinitates,* as S. Austin[f] expresses it, *ut conjugiis augeant necessitudines,* 'that so they might scatter friendships and relations in more families for the dissemination and extension of charity.' For cousins being already united and loving, it were well by marriage to endear others which are not so loving, not so united. Of this every one makes use that is pleased to dissuade these marriages. But to this I answer, *α*) That suppose this were well and without objection as to the material part, yet this does no ways prove it unlawful, and indeed is not by the contrivers of it intended it should; as appears in Philo and Plutarch, from whom S. Chrysostom and S. Austin did borrow it. *β*) There may be one inconvenience in it, and yet many conveniences and advantages which may outweigh that one; and that there are so, will appear in the sequel. *γ*) This very reason when Philo[g] the Jew had urged in general for the scattering friendships and not limiting alliances to one family, he adds, *quod respiciens Moyses alias etiam multas propinquorum nuptias vetuit:* meaning that this argument is sufficiently provided for by the restraints that Moses made, and if we marry out of those limits the friendship is enough scattered. For beyond brother and sister, uncles and nieces, the relation is far

[d] Lib. xlvi. [cap. 18.]
[e] [lib. xi. epist. 64. tom. ii. col. 1154.]
[f] [col. 398 G.]
[g] [De leg. special., tom. ii p. 303. ed. Mangey.]

enough off to be receptive of and to need the renovation or the arrests of friendship.

§ 81. 7) 'It were well if cousin-germans did not marry, lest by reason of their usual familiarity converse and natural kindness, fornications should be secretly procured; it being too ready for natural love to degenerate into lust.'—I answer that therefore let them marry as the remedy. For it were a hard thing that cousins who do converse and are apt to love should by men be forbidden to marry, when by God they are not. For this aptness to love being left upon them, together with their frequent conversation, is a snare, which because God knew He permitted them to their remedy; and if men do not they will find that their prohibition of marriage will not be a sufficient security against fornication. For brothers and sisters where the danger is still greater, God hath put a bar of a positive law, and nature hath put the bar of a natural reason and congruity, and the laws of all mankind have put a bar of public honesty and penalties; and all these are sufficient to secure them against the temptation: and this was observed by a wise man long since in this very instance, *αὐτίκα δ' οὐκ ἐρᾷ ἀδελφὸς ἀδελφῆς, ἄλλος δὲ ταύτης· οὐδὲ πατὴρ θυγατρὸς, ἄλλος δὲ ταύτης*[h]· 'the father is not in love with the daughter, nor a brother with his sister:' the reason is, *καὶ γὰρ φόβος καὶ νόμος ἱκανὸς ἔρωτα κωλύειν*, 'fear and the laws are restraint enough for this love:' but because to cousins this bar is not set, the greater propensity they have to love, the more need there is they should be permitted to marry. And this very thing was observed by Rabanus in his epistle to Humbert[i], *hujusmodi prohibitiones adulterii occasionem præbere*, 'such laws of restraint are occasions of adultery:' and therefore he infers from thence, *bonum esse ut prætermissis illis prohibitionibus legis divinæ servetur constitutio*, it were good if standing in the measures of the divine law, we should lay a snare for no man's foot by putting fetters upon his liberty, without just cause, but not without great danger.

§ 82. I know of no more reasons pretended against this affair; I think these are all, and I am sure they are the most considerable. But then on the other side, although it were hard to require any more reason for the marriage of cousin-germans than we do for any other marriage, that is, that we love the person, that she be virtuous and fitted for our condition, yet I say *ex abundanti*, that there are conveniences and advantages which are not contemptible, nor yet are so readily to be found in the marriage of other persons.

§ 83. 1) There is the advantage of a great and most perfect parity of condition that is regularly to be expected. There is no upbraiding of kindred, greatness or weakness of fortune, occasioned by the difference of elder or younger brother, (for this being in all families

[h] Xenophon de Cyri instit., lib. v. [cap. 1. § 10.
[i] [tom. vi. p. 165 H.]

is not a reproach to any); and here is the greatest probability of a similitude of passions humours and affections, and they that have experience in economical affairs know that these things are not contemptible.

§ 84. 2) It is observable that when God intended to bless a family and a nation, there He permitted, and in some cases commanded, the marriage of cousin-germans, as in the families of Israel. And although it was lawful for one tribe to marry into another, as appears in David who married Michol Saul's daughter of the tribe of Benjamin; and the Benjamitish families were restored by the intermarriages of the other tribes after that sad war about the Levite's concubine; and Hillel the pharisee was of the tribe of Benjamin by his father, and of Judah by his mother; yet this was done so seldom, that it was almost thought not lawful, but the most general practice was to marry in their own nearer kindred, in their own tribe.

§ 85. 3) In the case of the ἐπίκληροι or heiresses it was commanded both in the Hebrew and in the Attic laws that cousin-germans should marry, lest the inheritance should go from the family; of which I have already given an account: but now I only observe the reasonableness and advantage. S. Austin's *largius sparge amicitias* is nothing; for when any considerable advantage is to be done, certainly our own are to be preferred before strangers. And the same also is true in proportion, when any one of the family is passionately and to pious purposes in love with his cousin.

§ 86. 4) In the case of an aunt's daughter to be married to her cousin by her mother's brother, there is this advantage to be gotten to the female side; she preserves her father's name in her own issue, which she had lost in her own person and marriage.

§ 87. 5) In the accidents of household conversation, and in the satieties of a husband's love, the stock of kindred comes in by way of auxiliary forces to establish a declining or tempted love; and they understood this well, who made it an objection against the marriage of kindred, lest the love being upon two accounts should be too violent, as Aristotle in the second book of his politics[k] seems to intimate. But I suppose that they who are concerned in such marriages, will not fear the objection; but they have reason to value the advantage,

——— dum pietas geminato crescit amore[l],

while the marital love is supported with the cognation.

§ 88. 6) S. Augustine's argument is to me highly considerable[m]; *Fuit antiquis patribus religiosæ curæ, ne ipsa propinquitas se paulatim propaginum ordinibus dirimens longius abiret, et propinquitas esse desisteret, eam nondum longe positam rursus matrimonii vinculo colligare, et quodammodo revocare fugientem,* 'the dearness of kindred

[k] [cap. 4. tom. ii. p. 1262.]
[l] Ovid. Metam. x. [333.]
[m] Lib. xv. c. 16. de civit. Dei [tom. vii. col. 398 E.]

will quickly wear out, and cousins will too soon grow strangers, therefore the patriarchs had a religious care to recall the propinquity which was dividing and separating too fast; and as it were, to bind it by the ties of marriage, and recall it when it was flying away.' And indeed there is no greater stability to a family, no greater band to conjugal affections than the marriage of cousins.

§ 89. I shall now speak no more to this question, but that I have often met with a trifling objection concerning which I could never find any reasonable pretence, or ground of probability to warrant it. Second cousins may not marry, but are expressly forbidden, therefore much rather first cousins though they be not named. To this I answer that I never knew the marriage of second cousins forbidden, but by them who at the same time forbad the marriage of the first: and indeed I have searched and cannot fix my eye upon any thing that I can imagine to be the ground of the fancy; therefore I can say no more to it, but that the law of God does not forbid either, nor the laws of our church or state, nor the laws of nature or nations, or right reason, but these marriages have advantages in all these. And we find that Isaac married his second cousin, and that was more for it than ever could be said against it. Abraham was careful and Rebeccah was careful that their children respectively should marry within their own kindred: for it so was designed because those families were to be greatly and specially blessed, and they called one another into the participation of it. I conclude this question with as much warranty to the marriage of cousin-germans as can derive from the premises; they may without scruple own it, and say,

Viderit amplexus aliquis, laudabimur ambo[n].

I know no other pretences of any instance obliging Christians, derived only from the judicial law: these two do not oblige, and therefore the rule is true in its direct affirmation.

RULE IV.

THE TEN COMMANDMENTS OF MOSES, COMMONLY CALLED THE MORAL LAW, IS NOT A PERFECT DIGEST OF THE LAW OF NATURE.

§ 1. THE Jews in their *Cabala*[o] say that the law of God was made before the creation of the world two thousand years, and written in black burnt letters on the back side of a bright shining fire; according to that of David, "Thy word is a lantern unto my feet, and a

[n] [Ovid. epist. iv. 139.] [o] [Martini 'Pugio fidei,' part. iii. dist. 1. cap. 7.]

light unto my paths." Their meaning is (for under fantastic expressions they sometimes intended to represent a material truth) that the decalogue or their system of moral precepts was nothing but an express of the tables of the law of nature, long before Moses' time given and practised by their fathers. But this was not a perfect system; it was the best that ever was since Adam brake the tables of the natural law, and let sin and weak principles into the world; and it was sufficient in the present constitution of the world, but even this also was but like a pædagogue to bring us to Christ. In the schools of Moses they practised the first rudiments of perfection, but Christ was the last and therefore the most perfect lawgiver; and they that did commence under Moses the servant of God were to proceed under Jesus Christ the son of God: and therefore the apostle calls Christ τέλος τοῦ νόμου[p], and if we will acknowledge Christ to be our lawgiver, and the gospel to be His law, called in the New testament, 'the law of liberty,' 'a royal law[q];' then we must expect that our duty shall be further extended than to a conformity in our lives to the ten words of Moses.

§ 2. I do not here intend a dispute whether Christ hath given us laws of which neither before Moses nor since there are no footsteps in the Old testament; for I think there are none such, but in the letter or in the analogy they were taught and recommended before: but this I say, that some excellencies and perfections of morality were by Christ superadded in the very instances of the decalogue; these also were bound upon us with greater severity, are endeared to us by special promises, and we by proper aids are enabled to their performance; and the old commandments are explicated by new commentaries, and are made to be laws in new instances to which by Moses they were not obliged; and some of those excellent sayings which are respersed in the Old testament, and which are the dawnings of the evangelical light, are now part of that body of light which derives from the Son of righteousness: insomuch that a commandment which was given of old was given again in new manner, and to new purposes, and in more eminent degrees; and therefore is also called a new commandment. Thus the conversation evangelical is called an old commandment and a new one[r]. So that in the whole this will amount to the same thing as if they were new commandments. I will not therefore trouble this article with those artificial nothings, or endeavour to force any man to say Christ hath given us new commandments; but this I suppose to be very evident, that we are by Jesus Christ obliged to do many things to which the law of Moses did not oblige the sons of Israel: but whether this was by a new imposition, or a new explication of the old, it matters not, save that some men will be humoured in their own manner of speaking.

§ 3. I give an instance: the Christians are obliged to love their

[p] [Rom. x. 4.] [q] [Jam. i. 25, ii. 12, ii. 8.] [r] [1 John ii. 7, 8.]

demonstrate the same God of both; who indeed hath given severally several instances of commandments, but the more eminent and the chief, without which salvation is not to be had, are the same in both:' meaning, that there are the same general lines of religion and of justice in the old and in the new; but the special and particular precepts are severally instanced by Christ and Moses.

RULE V.

ALL THE EXPLICATIONS OF THE MORAL LAW WHICH ARE FOUND IN THE PROPHETS AND OTHER HOLY WRITERS OF THE OLD TESTAMENT, ARE TO BE ACCOUNTED AS PARTS OF THE MORAL LAW, AND EQUALLY OBLIGING THE CONSCIENCE.

§ 1. He that will explicate the mosaic law according to the perfections of the gospel, does expound the words of a child by the senses and deepest policies of a witty man. I have seen some parts of Virgil changed into impure fescennines, and I have also seen them changed into the sense and style of the gospel; but Virgil intended neither, though his words were capable of both; and yet the way to understand Virgil is by the commentaries of men of his own time or nation, or learned in the language and customs of the Romans. So it is in the decalogue of Moses. If Christians understand it by all the severities and enlarged notices of the gospel, they accuse their own commentary as too large, or the practice of the Jews who never obeyed them at that rate; and therefore all those wild reductions of all good and bad to that measure is of no good use, but it is full of error, and may have some ill effects; of which I have already given caution: but then because they may be explicated and can admit a commentary, as all laws do beyond their letter, there is nothing more reasonable, than that the commentaries or additional explications of their own prophets and holy men, and the usages of their nation, be taken into the sacredness of the text, and the limits of the commandment.

§ 2. Thus when God had said "Thou shalt do no murder," when Moses in another place adds these words, "Thou shalt not hate thy brother in thy heart, nor be mindful of any injury[c];" this is to be supposed to be intended by God in the commandment, and to be a just commentary to the text, and therefore part of the moral law. When they were commanded to worship the God of Israel and no

[c] [Lev. xix. 17, 18.]

other, this was to be understood according to David's commentary; and when he had composed forms of prayer to God, to pray to Him was to be supposed to be a duty of the commandment. God commanded that they should 'honour father and mother,' which appellative when Moses and the holy writers of the Old testament had given to princes and magistrates, and had in another place expressly commanded obedience to them, it is to be supposed that this is an explication of the fifth commandment.

§ 3. This also is to be extended further, and by the sayings of the prophets they could understand what things were permitted by Moses, which yet God loved not; and that the commandment had a further purpose than their usages would endure: and though (as our blessed Lord afterward expressed) Moses permitted divorces for the hardness of their heart, yet that from the beginning it was not so, and that greater piety was intended in the commandment, they were sufficiently taught by the gloss which God himself inserted and published by the prophet Hosea[d], "I hate putting away." In this and all other cases the natural reasonableness of things, natural justice, and essential piety, and the first institution of them, were the best indications of these effects, which such sayings of the prophets and other holy men ought to have in the enlargement of the moral law, or restraints of privileges and liberties.

§ 4. The use of this rule in order to the government of conscience is to describe of what usefulness in our religion, and what influence in our lives is the Old testament; all the moral precepts which are particulars of the natural law or universal reason are either explications of the decalogue or precepts evangelical, by which the old prophets did 'prepare the way of our Lord, and make His paths straight.' It is the same religion theirs and ours as to the moral part; intending glory to the same God by the same principles of prime reason, differing only in the clarity and obscurity of the promises or motives of obedience, and in the particular instances of the general laws, and in the degrees of duties spiritual: but in both God intended to bring mankind to eternal glories by religion or the spiritual worshippings of one God, by justice and sobriety, that is, by such ways as naturally we need for our natural and perfective being even in this world. Now in these things the prophets are preachers of righteousness, and we may refresh our souls at those rivulets springing from the wells of life; but we must fill and bath ourselves *in fontibus salvatoris*, 'in the fountains of our blessed Saviour:' for He hath anointed our heads, prepared a table for us, and made our cup to overflow, and 'of His fulness we have all received, grace for grace[e].'

§ 5. But this is at no hand to be extended to those prohibitions or reprehensions of their prevarications of any of the signal precepts of religion, by which as themselves were distinguished from other nations, so God would be glorified in them. For sometimes the pro-

[d] [Mal. ii. 16.] [e] [John i. 16.]

phets represented the anger of God in a ceremonial instance; when either they sinned with a high hand in that instance, that is, with despite and contempt of the divine commandment, or when the ceremony had a mixture of morality, or when it was one of the distinctions of the nation, and a consignation of them to be the people of God. But this will be reduced to practice by the next rule.

RULE VI.

EVERY THING IN THE DECALOGUE IS NOT OBLIGATORY TO CHRISTIANS, IS NOT A PORTION OF THE MORAL OR NATURAL LAW.

§ 1. WHEN Moses derived the ten commandments to the people, he did not tell them in order which was second, which was fifth; and upon this account they have been severally divided as men did please to fancy. I shall not clog these annotations with enumerating the several ways of dividing them; but that which relates to the present enquiry is whether or no the prohibition of graven images be a portion of the first commandment, so as that nothing is intended but that it be a part or explication of that: and that it contain in it only the duty of confessing one God, and entertaining no other deity, viz., so that images become not an idol, or the final object of our worship as a God; and therefore that images are only forbidden as *dii alieni*, not as the representations of this one God, and they are capable of any worship but that which is proper to God; or else it is a distinct commandment, and forbids the having, or making, and worshipping any images with any kind of religious worship. These are the several effects which are designed by the differing divisions of the first table: I will not now examine whether they certainly follow from their premises and presuppositions, but consider what is right, and what follows from thence in order to the integrating the rule of conscience. That those two first commandments are but one was the doctrine of Philo[f] the Jew (at least it is said so) who making the preface to be a distinct commandment, reckons this to be the second; *deos sculptiles non facies tibi, nec facies omne abominamentum solis et lunæ, nec omnium quæ sunt supra terram, nec eorum quæ repunt in aquis: Ego sum Deus Dominus tuus zelotes, &c.* And the same was followed by Athanasius[g], 'this book hath these ten commandments in tables: the first is, Ἐγώ εἰμι Κύριος ὁ Θεός

[f] ['Quis rerum divinarum hæres,' tom. i. p. 496; et 'De decem oraculis,' tom. ii. p. 191, ed. Mangey.]

[g] Synops. script. [§ 6. t. ii. p. 133 B.]

σου· δευτέραν, οὐ ποιήσεις σεαυτῷ εἴδωλον οὐδὲ παντὸς ὁμοίωμα· 'I am the Lord thy God; the second, thou shalt not make an idol to thyself, nor the likeness of any thing:' and this division was usual in S. Cyril's[h] time, who brings in Julian thus accounting them: 'I am the Lord thy God which brought thee out of the land of Egypt: the second after this,' *non erunt tibi dii alieni præter me, non facies tibi simulacrum, &c.*: and the same way is followed by S. Jerome[i], and Hesychius[k]. These make the introduction to be one of the commandments, and those which we call the first and the second to be the second only.

§ 2. Of the same opinion as to the uniting of the two is Clemens Alexandrinus[l], and S. Austin[m], *Et revera quod dictum est, non erunt tibi dii alieni, hoc ipsum perfectius explicatur, cum prohibentur colenda figmenta,* 'the prohibition of marriages is a more perfect explication of those words, Thou shalt have no other gods but Me.' To the same sense Ven. Bede[n], S. Bernard[o], the ordinary gloss, Lyra, Hugo Cardinalis, Lombard, the church of Rome, and almost all the Lutheran churches do divide the decalogue.

§ 3. On the other side these are made to be two distinct commandments by the Chaldee paraphrast (*in* c. xx. *Exod.*[p]) and by Josephus[q]: *Primum præceptum Deum esse unum, et hunc solum colendum; secundum, nullius animalis simulacrum adorandum.* And these are followed by Origen[r], Gregory Nazianzen[s], S. Ambrose[t], and S. Hierome[u], even against his opinion expressed in another place[x], S. Chrysostom, S. Austin[y], or whosoever is the author of the questions of the Old and New testaments, Sulpitius Severus[z], Zonaras[a]; and admitted as probable by Ven. Bede[b]: but followed earnestly by all the churches that follow Calvin, and by the other protestants not Lutherans.

§ 4. 1) In this great contrariety of opinion that which I choose to follow is the way of the church of England, which as it hath the greater and more certain authority from antiquity, so it hath much the greater reasonableness. For when God had commanded the worship of Himself alone excluding all false gods, in the next words He was pleased also to forbid them to worship Him in that manner by

[h] Lib. v. contr. Jul. [tom. vi. p. 152 C.]
[i] In Hos. cap. x. [tom. iii. col. 1306.]
[k] In Levit. cap. xxvi. [fol. 162 C. ed. fol. Bas. 1527.]
[l] Lib. vi. strom. [cap. 16. p. 809.]
[m] Quæst. lxxi. in Exod. [tom. iii. part. 1. col. 443 E.]
[n] In Exod. xx. [tom. iv. col. 111.]
[o] Sup. Salv. reg. [serm. iv. col. 1744 H.]
[p] [Walton., bibl. polyglott.]
[q] Antiq., lib. iii. cap. 4. [al. 5. § 5. p. 105.]
[r] L. iii. hom. 8. in Exod. [tom. ii. p. 156, 7.]
[s] In carm. [tom. iii. p. 263.]
[t] In vi. Ephes. [tom. ii. append. col. 249 A.]
[u] [In eund. loc., tom. iv. part. 1. col. 394.]
[x] [ubi supra.]
[y] [Quæst. vii. tom. iii. append. col. 45 G.]
[z] [Hist. sacr., lib. vi. cap. 30.]
[a] [Annal., lib. i. cap. 16. tom. i. p. 38. ed. fol. Par. 1686, 7.]
[b] [ubi supra.]

which all the gods of the nations were worshipped, which was by images: insomuch that their images were called gods, not that they thought them so, but that the worshipping of false gods and worshipping by images were by the idolaters ever joined. Now this being a different thing from the other, one regarding the object the other the manner of worship, it is highly reasonable to believe that they make two commandments. 2) God would not be worshipped by an image, because none could be made of Him; and therefore it is remarkable that God did duplicate His caution against images of Him, by adding this reason to His precept, "remember that ye saw no shape, but only heard a voice:" which as it was a direct design of God that they might not make an image of Him, and worship Him as the idolaters did their false gods, so it did indirectly at least intimate to them, that 'God would be worshipped in spirit and truth[c],' that is, not with a lying image; as every image of Him must needs be, for it can have no truth when a finite body represents an infinite spirit. And this is most likely to be thus: because this being a certain digest of the law of nature, in it the natural religion and worship of God was to be commanded; and therefore that it should be spiritual and true, that is, not with false imaginations and corporal representment, was to be the matter of a commandment. 3) Since the first table did so descend to particulars as by a distinct precept to appoint the day of His worship, it is not unlikely that the essential and natural manner of doing it should also be distinctly provided for, since the circumstantial was: but that could not be at all, if it was a portion of the first commandment; for then the sense of it must be according to the first intention, that images should not become our gods. 4) The heathens did not suppose their images to be their gods, but representments of their gods; and therefore it is not so likely that God should by way of caution so explicate the first commandment, when there was no danger of doing any such thing, unless they should be stark mad, or fools and without understanding. 5) When God forbad them to make and worship the likeness of any thing in heaven and earth, He sufficiently declared that His meaning was to forbid that manner of worshipping, not that object; for by saying it was the likeness of something it declared that this likeness could not be the object of their worshipping: for because it is the image of a thing, therefore it is not the thing they worshipped; and it cannot be supposed of a man that he can make the image of the sun to be his god, when he makes that image of the sun, because he thinks the sun is the most excellent thing. When therefore in the first commandment He had forbidden them to acknowledge the sun or any thing else but Himself to be God, in the next He forbids the worshipping Himself or any thing else by an image. But of this I shall speak more afterwards; because it relates to the moral duty.

[c] [John iv. 23, 4.]

§ 5. But I observe that all those moderns who confound these two commandments have not that pretence which the ancients had, and have quitted all that by which such confusion could have been in any sense tolerable. For Philo and those ancients who followed him reckon the first commandment to be, 'I am the Lord thy God,' &c., by which God would be acknowledged to be the Lord: and the second did forbid 'any other besides Him.' So that there might be some appearance of reason to make the first commandment affirmative, and the second negative; the first to declare who is God, the second to forbid polytheism; the first to declare His entity, the second to publish His unity; the first to engage their duty to Him who had so lately endeared them by freedom from captivity, the second to forbid the adopting the gods of the nations with whom they were now to converse. I confess that these reasons are not sufficient; for they multiply where there is no need, and make a division without difference, and leave all those periods which are about images to be of no use, no signification; and concerning their own practice and religion in the matter of images, though it is certain they wholly derived it from the commandment, yet they take no notice of any warrant at all derived from thence; but supposing that they did make the division for these reasons, and that these reasons were good, yet all the moderns quit all this pretension, and allow but three commandments to the first table, and divide the second into seven; to effect which they make two commandments against concupiscence: concerning which I will not say they might have reckoned more according to the multiplication of the objects, four as well as two, but this I say, as it is wholly without necessity, and very destitute of any probability, so it is done against the very order of words. For although Moses in Deuteronomy reckons the concupiscence of the wife first, yet in Exodus, which is the copy of the decalogue as it was given, Moses reckons the concupiscence of the house first. So that the ninth commandment lies in the body of the tenth, and the tenth lies part of it before the ninth, and part of it after; which is a prejudice against it greater than can be outweighed by any or all the pretences which are or can be made for it: especially since by the opinions of the Roman doctors these two cannot as they lie here make two objects; for to covet another man's wife is the same as to covet another man's servant, that is, as a possession, for multitude of wives was great riches, and the peculiar of princes, as appears in Nathan's upbraiding David, and the case of Solomon; but to covet the wife *propter libidinem* is forbidden by the seventh commandment, as the Roman doctors teach, and under that they handle it. Therefore the wife and the servant and the beast of another man being here forbidden to be desired as matter of covetousness, make but one object, and consequently but one commandment: and if because a difference can be fancied, the wife and the house make two objects, then the servant makes a third, for a house differs from a wife no

more than a servant from a house; the use of these is as different as of those, and can make as distinct objects of appetite and desire, and therefore either they all must make but one commandment, or they must make more than two.

§ 6. But the church of Rome and the Lutherans have several interests, for other reasons they have none in so doing. The church of Rome confounds the two commandments, lest the worshipping of images should appear to be forbidden. For if it be a distinct commandment which forbids the worship of images, then because all false objects of worship are sufficiently forbidden in the first, it will not be a competent answer to say, we do not worship images as gods, we do not make idols of them; for to worship any thing as God is not forbidden in the second commandment, but in the first: but therefore lest the second commandment should signify nothing, it follows that the taking of images into religion, or the worshipping God whether true or false by an image, is there forbidden. But if these two commandments were one, then they suppose, that this of forbidding images being a pursuance of the prohibition of having any other gods, expounds it only to mean the making images to be God; which because they do not, they hope to stand upright in the scrutiny concerning this commandment.

§ 7. But to this I return this account, that although it be certain that if these commandments be divided, it will follow that this manner of religion by image-worship is particularly forbidden as a false manner of worshipping, and consequently is upon no pretence to be introduced into religion; yet if we should suppose them to be but one commandment, it will not follow that images are not forbidden to be used in religious worshippings. For if God forbad them to make *deos sculptiles*, 'engraven gods,' that is, to worship such gods as may be depicted or engraven; such as the sun and moon, Apis and Jupiter, the ox of Egypt or the fire of Persia; then by the same reason we conclude that *deus sculptilis* is no god, and therefore to make the God of Israel to be a God depicted or engraven does dishonour and depress Him to the manner of an idol. For therefore in the decalogue recited by Philo and in the sense of all the ancients the reason against making an engraven god is *Ego sum Deus zelotes*, 'I am thy God, I am thy jealous God;' that is, I who cannot be represented by such vanities, I am thy God, but they are not who can. Add to this, that since the doctors of the Roman church make the decalogue to be the fountain of all moral theology, and by that method describe all cases of conscience; it is necessary that they take into the body and obligation of every commandment not only what is expressed in the letter and first signification, but the species, the relations, the similitudes, the occasions, any thing that is like the prohibition, and concerning which we cannot tell whether it be or no; and upon this account if they can retain images or think to honour God by the use and worshipping of them, they may be confident of any thing, and

may as well use some pollutions of the flesh, as such pollutions of idols.

§ 8. But there is also more in it than thus: for although it is usually supposed by learned persons, that Philo the Jew, Athanasius, S. Hierome, and S. Austin are of opinion that the two commandments are not to be divided, but are all one; yet if we look into their sayings we shall find them to have other effects than they suppose. For they making the preface to be the first commandment, "I am the Lord thy God which brought thee out of the land of Egypt," do suppose that the object of religion and divine worship is sufficiently declared, in that they think the same of that as all other men do of the following words, "Thou shalt have no other gods but Me," viz., that God proposing Himself as their God, whom only they were to worship, did by that sufficiently exclude the worship of all false gods, or giving divine worship to any thing besides Himself. So that when the object is sufficiently provided for as it is in the first commandment, however it be computed, the former arguments will return upon them, and it will be most probable that the next provision be made for the manner of the divine worship; and then the use of images in religion and the religious worship of them will be by a necessary and immediate consequent forbidden: for the forbidding *deos sculptiles* forbids not only other gods, but forbids them with that reason and demonstration. They that can be engraven or painted are no gods, and therefore images and false gods are equally forbidden; wherever an image is joined to a god, there is a false god, or no true God; for an image and the true God are inconsistent. So that wherever there are two commandments before that of taking God's name in vain, as it is amongst all the ancients, (Clemens Alexandrinus only excepted,) there it is most likely that the first provides for the object of divine worship affirmatively, and the second for the manner negatively: and the effect of this will be, that they are in their division of the decalogue almost wholly destitute of authority or warrant from the ancients, for they all make four commandments in the first table at least. The Jews usually indeed did reckon five, taking in that of honouring our parents, but they always made that of the sabbath to be the fourth; by all which it must needs be, that they must lie under the same objection which they would fain avoid: and though they confound those two which we usually now reckon the two first, yet because the Jews and ancient Christians who reckoned otherwise did account one commandment to the same purpose as we reckon the first, that which follows can never be proved to mean any thing but a prohibition of that manner of divine worship by images, for it implies that to worship God by an image is to worship an idol: an image of God when it is worshipped is an idol, for neither can the true God have an image, neither will He be worshipped by an image. Now though this will not at all concern the images of saints, but only the worship of God by an image, yet even this also when they think this image-worship

shall be a worshipping and honouring of God indirectly, and an act pleasing to Him, will come under this commandment as certainly and more apparently than fornication or intemperance shall come under the sixth or seventh, whither their doctors usually reduce them.

§ 9. This thing more I am willing to add concerning the division of the decalogue, that when the ancients did reckon the preface or introduction to be the first commandment, it is not certain that they put the words of "Thou shalt have no other gods but Me" to the second: for as for Philo, he does not recite them at all, but reckons the second otherwise than it is in Moses' books, and it is not certain how he thought in this question to him that well considers his copy of the decalogue. For he thus begins, 'I am the Lord thy God who brought thee out of the land of Egypt. Thou shalt not make any graven gods to thyself; nor any abomination of sun and moon, nor of any thing that is on the earth, or that creeps in the waters: I am thy Lord, the jealous God,' &c. Now in this which is first and which is second is plain enough, though Philo does not number them; but whether the words of that which we call the first commandment by him are understood in the first or in the second, does not hence appear. But then for S. Athanasius whom the adversaries reckon theirs, the case is yet clearer against them: for "I am the Lord thy God" he reckons to be the first, omitting all that which follows until the second commandment: but the second he plainly and perfectly reckons as we do, "Thou shalt not make to thyself an idol, or graven image, nor the likeness of any thing." So that it is probable he begins the first commandment with the preface, but it is certain he reckons the second as we do. S. Hierome and S. Austin are pretended for them; but they also testify against them and against themselves by an uncertain and contradictory sentence (as I have shewed): indeed the apostate Julian is much more for them, and does confound those which we call the two commandments, but yet reckons one before them, just as Philo; so that excepting Julian there will be found in antiquity,

Vel duo vel nemo [b],—

scarce one or two that is on their side. However against them there is a great authority, and very great probabilities of reason; of which in the following periods I shall add a more full account: in the mean time as the church of Rome is destitute of any just ground of their manner of dividing the ten commandments, so they will find it will not serve that interest they have designed.

§ 10. But then for the Lutheran churches, they have indeed as little reason for their division, and a much less interest and necessity to serve and to provide for. They therefore thrust the second into the first, lest it should be unlawful to make or to have pictures or images; for they still keep them in their churches, and are fearful to be aspersed with a crime forbidden in the second commandment;

[b] [Pers. sat. i. 3.]

they keep them I say, but for memory only, not for worship or direct religion. But in this they are more afraid than hurt; for suppose the second commandment to be distinct and wholly against images and their worship, yet every thing in the commandment is not moral, though the commandment itself be. For God was pleased to appoint such temporary instruments of a moral duty as were fitted to the necessities of that people; but such instruments were but like temporary supporters, placed there but till the building could stand alone. But whether this clause of having or making images be referred to the first or to the second commandment, it is all one. If to the first, it means that therefore they are not to be made by them, lest they become the object of divine worship; if to the second, then they were not to be made lest they become instruments of a false manner of the divine worship: but in both the prohibition is but relative, as appears in the parallel places of Lev. xix. 4, but especially Lev. xxvi. 1, "Ye shall make ye no idols, nor graven image, neither rear ye up a standing image, neither shall ye set up an image of stone in your land, to bow down unto it, for I am the Lord your God:" by which it is plain that the prohibition is not terminated on the image, but referring to religion; and is of the same nature as the forbidding them to converse with idolaters, or to make marriages with them, which God himself expressed to be lest they learn their evil customs; and all the reason of the world tells us, that such clauses whose whole reason is relative and instrumental, may be supplied by other instruments, and the reason of them or their necessity may cease; and consequently there can be no part of a natural law, whose reason without a miracle and the change of nature can never alter. So that this fear of theirs being useless, they may without prejudice and interest follow that which is more reasonable. And this was sufficiently indicated by the act and words of God himself, who gave order for the brazen serpent to be made, and the images or rather hieroglyphics of cherubim to be set over the propitiatory, which it is not to be supposed He would have done if it had been against His own eternal law[e]: He suffered them not to worship them, but to make them, to shew that this was not against the moral part of the commandment, though that was; and the ark could endure the five golden mice and the five golden hemorrhoids because though they were images yet they were not idols, that is, were not intended for worship: but because Dagon was, it fell before the ark; that could not be suffered; and in Solomon's temple beside the pomegranates and other imagery, there were twelve brazen bulls, but they were not intended for worship, and therefore it was free to the Jews to use them or not; but the calves of Dan and Bethel because they were *fusiles dei*, graven images used in divine worship, were an abomination: and upon the shekel of the sanctuary

[e] Vid. Manasseh Ben Israel in concil. q. xxx. [in Exod. xx. 3, et xxv. 18. pp. 140—2, ed. 4to. Amst. 1633.] et Tertull., lib. ii. contr. Marcion., c. 22. [p. 392 D.] Gab. Vasquez. [in Thom. Aquin., part. i.] disp. civ. cap. 6. [tom. i. p. 617, 9. ed. fol. Ven. 1608, 9.]

was impressed the image of Aaron's rod, and a pot of manna or thurible; it was lawful while there was no danger of worshipping them.

§ 11. This then is the first instance of the rule: the having or making of images though it be forbidden to the Jews in the second commandment, yet it is not unlawful to Christians. But of this I shall say more in the following periods.

§ 12. Now concerning the religion of images, that is, worshipping God by them directly or indirectly, whether that be lawful to Christians; although I have sufficiently declared the negative already, by reproving the great ground of that practice, I mean, the thrusting the two commandments together, and have proved that they ought not to be so confounded, or if they ought, yet that the worship of images is not concluded from thence to be lawful or permitted; yet I hope it will be neither useless nor unpleasant if I determine this case upon its proper grounds, in these two enquiries,

1) Whether it be lawful to make a picture or image of God;
2) Whether it be lawful to worship God by a picture.

Quest.

Whether it be lawful to make a picture or image of God.

§ 13. I answer negatively, and that upon the plain words of God in Deuteronomy[d], which upon the account of the fifth rule are to be accounted as an explication of the moral law, and therefore obligatory to Christians; as relating to the matter of the commandment, giving a natural reason for a natural duty, and pursuing that with argument which before He had established with authority, and writing that in the tables of the heart which at first He delivered to Moses in tables of stone; "Take ye therefore good heed unto yourselves, for ye saw no manner of similitude in the day when the Lord spake unto you in mount Horeb out of the midst of the fire: lest ye corrupt yourselves and make you a graven image, the similitude of any figure, the likeness of male or female," &c. Now why did God so earnestly remind them that they saw no image, but because He would not have them make any of Him. And this is frequently pressed by God in that manner which shews it not only to be impious to do it against His commandment, but foolish and impossible and against all natural reason. "To whom will ye liken God; or what likeness will ye compare unto Him?" said God by the prophet[e]. Meaning that there is none, there can be none, and you may as well measure eternity with a span, and grasp an infinite in the palm of your hand, as draw the circles and depict Him that hath no colour or figure, no parts nor body, no accidents nor visibility. And this S. Paul[f] argued out of Aratus[g]:

Καὶ τοῦ μὲν γένος ἐσμὲν,

[d] [Deut. iv. 15, 6.]
[e] [Isai. xl. 18.]
[f] [Acts xvii. 28.]
[g] [Phænom. 5.]

'We are His offspring:' that is, we are made after His image and similitude; Christ is the prototype, and we are efformed after His image who is the first born of all creatures[h]: man is made after the likeness of God; not man in his body, but man in his soul, in his will and powers of choice, in his understanding and powers of discerning, in his memory and powers of recording; and he that cannot make the image of a will, or by a graven image represent the understanding of a man, must never hope to make any thing like God: there is no way to do that, but to make a man; and that although it be but an imperfect image of God, yet an image it is, and the best that is upon the earth. But now from hence the apostle[i] argues, "Forasmuch then as we are the offspring of God, we ought not to think that the Godhead is like unto gold, or silver, or stone, graven by art and man's device:" if the invisible, inexpressible part of man is the image of God, and we are His sons by creation, expressing in our souls some little things of His infinite perfection, it cannot be supposed that this image can make an image like God; and if it cannot be like Him it is not to be made for Him, for nothing is more unlike Him than a lie. The Athenians were dull people, and knew not how to answer S. Paul's argument; but we are now-a-days taught to escape from this. For it is said, that it is true God's essence cannot be depicted or engraven; but such representations by which He hath been pleased to communicate notices of Himself can as well be described with a pencil as with a pen, and as well set down so that idiots may read and understand as well as the learned clerks. Now because God was pleased to appear to Daniel like the Ancient of days, and the Holy Ghost in the shape of a dove, and Christ in the form of a man, these representations may be depicted and described by images without disparagement to the divinity of God.

§ 14. To these I give these answers; first, 1) the vision of Daniel[j] seeing the Ancient of days, tells of no shape, nothing like an old man, but by that phrase did seem to signify the eternal God; he tells of a head and hair like pure wool, that is, pure and white, one of the *synonyma* of light or brightness, like that of 'His garment like snow,' 'His wheels were a burning fire,' 'His throne a fiery flame;' that is in effect, when Daniel was asleep he had a vision or phantasm in his head, where he had a representment of the eternal God, in a circumfusion and a great union of light and glory, which he when he was awake expressed by metaphors imperfectly telling what phantasm that was in which he perceived the representment and communication of God; that is, he there set down the shadow of a dream of a bright shining cloud: for the metaphor is a shadow, and his vision was a dream, and what he dreamt he saw was but the investiture of God, like as when God by His angel went in a cloud of fire before the sons of Israel; nay, not so much, for that was really so, this but a prophetic ecstasy in his sleep; the images of which are but very unfit to establish a part of divine worship, and an article of

[h] [Col. i. 15.] [i] [Acts xvii. 29.] [j] [vii. 9.]

practice, against natural reason and the letter of a commandment. But, 2) I demand, whether did Daniel see the eternal God then or no? If he did not, then at the most it was but an angel of light in the place of God; and then this can never infer the lawfulness of making any image of God, for it was only God's angel, or a globe of glory instead of God, and not God that appeared in His own person. But if it be said he did see God, it apparently contradicts the scripture, "No man hath seen God at any time[k]:" and again, "The eternal God whom no man hath seen[l]." The issue then is this, Daniel did not see God the Father, neither could he: therefore God the Father was not represented to him by any visible species: therefore neither can we by any help or authority from this dream. And it is not sufficient to say, that though Daniel did not see God's essence, yet he saw the representment, for he did not see any representment of God; he did not see God by any thing that expressed His person: for as for essences, no man can see the essence of a bee, or a bird, but sees it by some proper representment, but yet by that representment he properly and truly sees the bird; but Daniel did no way see God's person or nature, not so much as by any phantasm or image: an angel of light, or the brightness of an angel, he might dream of in the ecstasy; but in no sense could he be said to see God, except only by His angel or embassador. So that when it is said, "No man can see God," it cannot be meant that God's essence cannot be seen, for this had said no great matter, for no essence can be seen; but it must mean that God "dwells in an inaccessible light whither no man can approach," out of which He will send no emissions of representment or visibility; for if He had so done at any time, or would do at all, it were not true that no man had seen Him, or could see Him; for if He had communicated Himself personally in any representment or visibility, then He had been seen, and in that instance and at that time He were not the invisible God. 3) Suppose Daniel's vision had been of God himself, yet as it was done to him by special favour, so it was for a special purpose; it was for a design of prophecy, and to declare future events in the matters of war and peace, not to establish a practice prejudicial to a commandment: and it is strange that a vision or night's dream, expressed by way of rapture and clouds of metaphor, communicated to one man, signifying uncertainly, told imperfectly after the manner of raptures and prophetic ecstasies, intended to very distant purposes, never so extended by his own nation or used to any such end, should yet prevail with Christians (who are or ought to be infinitely removed from such a childish religion and baby tricks) more than an express commandment, and natural and essential reason, and the practice both of all the Jews and the best Christians. There is nothing in the world though never so bad, but by witty and resolved men may have more colours laid upon it to set it out than this can from this pretension. 4) The vision itself, if it were expressed in picture as it is set down,

[k] [John i. 18.] [l] [1 Tim. vi. 15. 16.]

would be a most strange production of art, and a horrid representation of nature; and unless something were supposed which is not expressed, it would be a strange new nothing. For "the Ancient of days" does by no violence signify an old man; for it being a representment of eternity, is the worst of all expressed by an old man; for that which is old is ready to vanish away, and nothing is more contrary to eternity. Again, here is no mention of the appearance of a man. There is indeed mention of a head, but neither of man nor beast, bird nor fly expressed; and hair like pure wool, but in what it is like excepting only the purity is not told, nor can be imagined: after this there is nothing but "a throne of flames" and "wheels of fire," and all this together would make a strange image, a metaphor to express eternity, a head of I know not what light without substance, visibility without a figure, a top without a bottom, the whiteness of wool instead of the substance of hair, and a seat upon wheels, and all in flames and fire: that it should ever enter into the head or heart of an instructed man to think that the great, the immense, the invisible, the infinite God of heaven, that fills heaven and earth and hell, should be represented in image or picture by such a thing, by such a nothing, is as strange and prodigious as the combination of all the daughters of fear and sleep and ignorance. 5) After this vision of Daniel it was in the church of the Jews esteemed as unlawful as ever to make an image of God; and by this the primitive Christians did not believe a warrant or confidence could be taken to do any thing of that nature: and they that now-a-days think otherwise have a new understanding and a new religion, defying a commandment and walking by a dream; and are such whom a precept cannot draw, but they follow what they understand not, and what was not intended to conduct their religion, but to signify only the events and great changes of the world. 6) If because mention is made of "the Ancient of days" in Daniel, it were lawful to picture God like an old man, we might as well make a door and say it is Christ, or a vine and call it our master, or a thief and call it the day of judgment: a metaphorical or mystical expression may be the veil of a mysterious truth, but cannot pass into a sign and signification of it; itself may become an hieroglyphic when it is painted, but not an image which is a *μορφὴ εἰδικὸς*, and the most proper representation of any thing that can be seen and is not present. They that paint a child to signify eternity do it better than they by an old man signify Him that can be no older to-morrow than He was yesterday. But by this I only intend to note the imprudence and undecency of the thing; the unlawfulness is upon other accounts which I have reckoned.

§ 15. Concerning the humanity of our blessed Saviour, that being a creature He might be depicted, I mean it was naturally capable of it; it was the great instrument of many actions, it conversed with mankind above thirty years together, it was the subject of great

changes, and the matter of a long story, and the conduit of many excellent instructions, and therefore might without all question be described as well as Cæsar's or Meletius, Marc Anthony or the kings of the gentiles. It might be done; and the question being here only of the making or having of it, abstractedly from all other appendages or collateral considerations, I need say no more of it under this title, but that it is neither impious nor unreasonable of itself to have or to make the picture or image of Christ's humanity, or rather of His human body: for against this there is neither reason nor religion, and if it be made accidentally unlawful that is not of present consideration.

§ 16. But for the usual image of the Holy Ghost in the form of a dove the pretence is great and fairer; no less than the words of scripture. For in this instance that reason ceases for which God did prohibit the making of His image; for here they did not only hear a voice, but also they saw a shape; for the Holy Ghost descended in the likeness of a dove, ἐν σωματικῷ εἴδει, 'in a bodily shape,' so S. Luke[m]. To this I answer, that the Holy Ghost did not appear in the shape of a dove at all; but the dove mentioned in the story relates only to the matter of His descending, and hovering over Christ. And this 1) appears by the word in S. Matthew εἶδε τὸ πνεῦμα τοῦ θεοῦ καταβαῖνον, ὡσεὶ περιστερὰν, "He saw the Spirit of God descending like a dove[n]," that is, as doves use to descend, hovering and overshadowing of Him. 2) The word ὡσεὶ which signifies an imperfect resemblance, or a limited similitude, does not infer the direct shape of a dove, but something of it; the motion or the quantity, the hovering or the lighting like that of His appearance on the day of pentecost[o]; cloven tongues ὡσεὶ πυρὸς, 'as it were of fire;' that is, something of it, to shine it may be but not to burn, to appear bright but not to move. 3) This appears yet more plainly in the words of S. Luke, καὶ καταβῆναι τὸ πνεῦμα τὸ ἅγιον σωματικῷ εἴδει, ὡσεὶ περιστερὰν ἐπ' αὐτὸν, 'the Holy Ghost did descend in a bodily shape as a dove upon Him:' where the 'bodily shape' cannot mean the bodily shape of a dove, for then it must have been ὡσεὶ περιστερᾶς, 'as of a dove,' like that of the Acts, ὡσεὶ πυρὸς· but it must wholly be referred to καταβῆναι, He descended as a dove uses to do: but then for σωματικὸν εἶδος, 'the bodily shape,' it was nothing but a body of light; the greatest visibility, called by the apostle, μεγαλοπρεπὴς δόξα, 'the excellent glory[p];' which indeed was the usual investiture of God's messengers in their appearances and visibilities: and that there appeared a fire in Jordan at that time, Justin Martyr[q] against Tryphon the Jew affirms expressly. 4) That this similitude was relative to the motion or the manner of a dove's descent is so much the more probable, because this accepta-

[m] [iii. 22.] [n] [iii. 16.] [o] [Acts ii. 3.]
[p] [2 Pet. i. 17.] [q] [cap. 88. p. 185 E.]

tion and understanding of it is more agreeable to the design and purpose of the Holy Ghost's descending. For by 'flying' the Jews did use in their symbolical theology to signify a divine influx or inspiration, saith rabbi Jaccai upon the ninth of Daniel[r]. This descent therefore of the Holy Ghost in the manner of a dove's flight signifies the gift of the Spirit of God to His holy Son, who received Him not by measures but the fulness of Him; and from His fulness we all receive our portions.

§ 17. I cannot deny but that amongst learned men there is great difference of apprehension concerning it, and the generality of men without examining it suppose the Holy Ghost to have descended being invested with the direct shape of a dove, ἐπελθόντος ἐν εἴδει περιστερᾶς πνεύματος, so Justin Martyr[s], for he expresses the words otherwise than all the four evangelists; they all say, ὡσεὶ περιστερὰν, meaning as a dove descends: he changes the case and makes it to be the shape or form of a dove: φάσμα ὄρνιθος, so Origen[t] calls it, 'the phantasm or appearance of a bird:' yet I will for the present suppose it so, because the ancients did generally believe so: but then I answer to the objection, that 1) although the ancients did suppose it so, yet in the sixth council, that at Constantinople, *can.* 82[u], it is expressly forbidden to depict Christ like a lamb, or the Holy Spirit like a dove. 2) Suppose the fancy of the ancients to have some reality in it, yet it amounted to no more than this: it was nothing but a light or fire effigiated into such a resemblance; or like a bright cloud which represents strange figures imperfectly, any thing according to the heart or fancy of them that behold it; and therefore is not so imitable as if it were a direct and proper appearance. So the gospel of the Nazarenes[x] expresses it, καὶ εὐθὺς περιέλαμψε τὸν τόπον φῶς μέγα· 'presently a great light did shine round about the place;' and their apprehension of a dazzling light in such a resemblance is but an ill warrant to make a standing figure and proper imagery. Tertullian[y] supposes it was really and properly a very dove indeed: and if so, the whole business is at an end, for any dove may be pictured; but the Holy Ghost must not be pictured in that shape, though His errand and design was ministered to by a dove. 3) And that indeed is the proper and full solution of this objection. Supposing that the shape of a dove did appear, yet this no way represented Him, or was to be used as a sign of Him; and therefore it is observable when God had told the Baptist how he should know the Messias, and that the Holy Ghost should consign and signify Him[z], He makes no mention of a dove, but of descending only: not only plainly intimating that the mention of a dove was for

[r] [vers. 21.]
[s] [ibid., p. 186 A.]
[t] [Contr. Cels., lib. i. tom. i. p. 359 A.]
[u] [Sive quinisext. in Trullo, tom. iii. col. 1689.]
[x] [Of the Ebionites,—Epiphan. hæres. xxx. § 13. tom. i. p. 138 B.]
[y] Lib. de carne Christi. [cap. iii. p. 309 B.]
[z] [John i. 33.]

the similitude of motion not of shape, but also to signify that the Holy Ghost himself was not at all to be represented as a dove. But then if there was the shape of a dove, as the ancients suppose, it looks downwards not upwards; and was a symbol not to signify any thing of the divinity or the personality of the Holy Spirit, but to signify something in Christ, or in Christ's body the church, to represent the excellency and sweetness of Christ and of the church, His perfection and our duty, the state of His institution and of our religion; and so they who thus teach of the apparition of a dove express the symbol. The dove was to represent that great meekness which was in Christ[a], and which He would insert into His institution as no small part of a Christian's duty[b]: which our blessed Saviour was pleased also to express in the same similitude, 'be as harmless as doves[c].' Philo[d] says that in the Jews' discipline a dove signifies wisdom, that is, a good, a wise, a gentle, and debonair comportment, not the severity of retirement and a philosophical life, but of a civil, sweet, and obliging conversation. Some say that this dove did relate to that dove which signified to Noah by an olive branch of peace that God was again reconciled to the world; and so did it please God to use the like symbol when He would signify that reconcilement which was by Christ to be effected, and of which the other was but a weak representment, and type, or figure. The world was now also to be renewed at the appearance of this dove: but because this no way relates to the person or the nature of the Holy Ghost, it can no way hence be inferred that the Holy Ghost may be represented by an image. This apparition if it was at all was symbolical of something below, not representative of any thing above: and in that sense and to that purpose I do not doubt but it may be lawful to make a picture of the dove that was seen, if I say, it was at all; and of the fiery tongues sitting upon the apostles; for these were not representative of the nature or person of the Holy Ghost, but descriptive of the impression that from the Holy Ghost was made upon them: and of this nature is the expression of the Baptist, 'He shall baptize you with the Holy Ghost and with fire[e];' that is, from His baptism or by His immission, you shall receive graces and gifts whose effect is properly expressed by fire, which also shall be its symbol.

§ 18. And after all this; if it should please God any Person of the blessed and most holy Trinity should appear in any visible shape, that shape might be depicted; of that shape an image might be made; I mean, it might naturally; it might if it were done for lawful ends, and unless a commandment were to the contrary; and therefore so long as God keeps Himself within the secret recesses of His sanctuary, and the majesty of His invisibility, so long it is plain

[a] [Isa. xlii. 1—3.]
[b] [Luke ix. 55.]
[c] [Matt. x. 16.]
[d] [De animal. sacrific. idon., tom. ii. p. 238. ed. Mangey.]
[e] [Matt. iii. 11; Luke iii. 16.]

He intends the very first sense and words of His commandment: but if He should cancel the great reason of His commandment, and make that by an act of His own to become possible which in the nature of things is impossible, that is, that an image can be made of God; I should believe that God did intend to dispense in that part of the commandment, and declare that He intended it only for a temporary band. For if the reason of the commandment were taken away, either the commandment also ceases to oblige, or must be bound upon us by another reason, or a new sanction, or at least a new declaration; or else it would follow that then His visible appearance would become a snare to mankind. But because He hath not yet appeared visibly, and hath by no figure or idea represented the Godhead; and that it is a truth which must last as long as christian religion lasts, that 'no man can see God,' therefore it follows that it is at no hand lawful to make an image of God or relating to the Divinity. If a dove be made it must not be intended to represent the Holy Ghost[f], for besides that no dove did appear, nor shape of a dove, yet if it did, it related not to the person of the Holy Ghost, but to the impression made upon the person on whom the light descended: and if the figure of the crucifix be made, or of Jesus in the flesh, it is wholly relative to the creature, not to Him as God; for that is impious, and unreasonable, and impossible to be done in any natural proportion. And the like also is to be said of those expressions in scripture, of the hand of God, His eye, His arm; which words although they are written, yet they cannot, ought not to be painted: I do not doubt but it is lawful to paint or engrave an eye or a hand, but not an eye or hand of God; that is, we may not intend to represent God by such sculpture or picture; because the scripture does not speak them to that end, that by them we may conceive any thing of God: for as Hesselius well notes, these and other like expressions are intended to represent some action of God; such as is that of Psalm lxxviii. *alias* lxxvii. *ver.* 65[g], who brings in God *excitatum tanquam dormientem, tanquam potentem crapulatum a circo:* 'awakened out of sleep, and as a giant refreshed,' filled, gorged 'with wine;' by which if any man shall represent God in picture, his saying it may as well be painted as written will not acquit him from insufferable impiety.

§ 19. Now this which I have discoursed is evidently according to the doctrine and practice both of the Jews and primitive Christians.

[f] Si quis dicat quod Spiritus S. in columba apparuit, et Pater in veteri testamento sub aliquibus corporalibus formis, ideoque possunt et illi per imagines repræsentari; dicendum quod illæ formæ corporales non fuerunt a Patre vel Spiritu Sancto assumptæ, et ideo repræsentatio earum per imagines, non est repræsentatio personæ divinæ, sed repræsentatio illius formæ secundum se: propterea non debetur ei aliqua reverentia sicut nec illis formis secundum se. Nec illæ formæ fuerunt ad repræsentandas divinas personas, sed ad repræsentandum effectus, quos divinæ personæ faciebant in rebus.—Durand., in 3. Sent. dist. ix. q. 2. n. 15. [p. 515.]

[g] [Bibl. Vulg.]

Concerning the Jews, Tacitus[h] says of them, *Mente sola, unumque numen intelligunt; profanos, qui Deum imagines mortalibus materiis in species hominum effingunt:* 'they acknowledge but one deity, whom they understand in their mind only; esteeming all them to be profane who efform the images of their gods of corruptible matter into the shapes of men.' And the testimony of S. Clemens of Alexandria[i] is very full to this purpose; *Deum ex Mosis disciplina nec hominis effigie, nec ulla alia re repræsentari,* 'God by the law of Moses was not to be represented in the shape of a man or any other figure:' and for the Christians that they also understood themselves to be bound by the same law to the same religious abstaining from making images of God, is openly and generally taught by the doctors of the christian church for the four first ages together; as without scruple appears in the express words of Origen[k], Tertullian[l], Eusebius[m], Athanasius[n], S. Hierome[o], S. Austin[p], Theodoret[q], Damascene[r], and the synod of Constantinople as is reported in the sixth action of the second Nicene council[s]: the sense of all which together with his own Polydore Vergil[t] thus represents; *Cùm Deus ubique præsens sit, nihil a principio post homines natos stultius visum est, quam ejus simulacrum pingere,* 'since the world began never was any thing more foolish than to picture God who is present every where:' for this is (according to the sharp reproof of the apostle) to 'change the glory of the incorruptible God into the similitude,' ἐν ὁμοιώματι εἰκόνος[u], so it is in the Greek, 'into the similitude of an image of a corruptible man, and of birds and beasts,' &c., than which words nothing can be plainer to condemn the picturing God: a thing which the very heathens did abominate,

> Sed nulla effigies, simulacrave nota deorum,
> Majestate locum et sacro implevere timore,

said Silius Italicus[x] of the temple of Cadiz; they had no images, no pictures of the gods, but the house was filled with majesty and a holy fear. And this they did not of ignorance, nor of custom; but out of reason and wise discourse. When Seneca[y] intreated his friend Lucilius to make himself worthy of God, he tells him how: *Finges autem non auro, non argento, non potest ex hac materia imago Dei exprimi similis;* 'not with gold and silver, for of these an image like to God

[h] [Hist., lib. v. cap. 5.] Idem etiam videre est apud Diodor. Sicul. [lib. xl. ecl. cap. 3.]
[i] Stromat., lib. i. [cap. 15. p. 358, 9.]
[k] Contr. Cels., lib. vii. [§ 66. tom. i. p. 741.]
[l] De coron. milit. [cap. x. p. 106.]
[m] Lib. i. cap. 5. præp. evang. [p. 14.]
[n] Orat. contra gentes. [tom. i. p. 13 sqq.]
[o] In cap. xl. Isai. [tom. iii. col. 306.]
[p] De fide et symbol., cap. 76. [tom. vi. col. 157 D.]
[q] In Deut. q. i. [tom. i. p. 259.]
[r] Lib. iv. de orth. fide, cap. 18. [tom. i. p. 280.]
[s] [Concil., tom. iv. col. 337 sqq.]
[t] Lib. ii. cap. 23. de invent. [p. 69.]
[u] [Rom. i. 23.]
[x] [lib. iii. 30.]
[y] [Epist. xxxi. fin. tom. ii. p. 120.]

can never be made.' And therefore Tacitus[a] says of the Germans, that they *Nec cohibere parietibus deos, nec in ullam humani oris speciem assimilare ex agnitione cœlestium arbitrantur*, 'they think they do not know the nature of the gods, if they should thrust them into walls,' or depict them in the resemblance of a man or woman. *Nullum simulacrum finxisse antiquitatem*, said Macrobius[b], 'the old world never made an image' (meaning of God) *quia summus Deus nataque ex eo mens, sicut ultra animam ita supra naturam sunt, quo nihil fas est de fabulis pervenire*, 'because the supreme God, and the mind that is born of Him, as it is beyond our soul so it is beyond all nature, and it is not fit that fables and fictions should be addressed to Him;'

> Nulla autem effigies, nulli commissa metallo.
> Forma Dei mentes habitare et pectora gaudet[c].

God dwells in minds and hearts of good men, not in images and metals.

§ 20. The next question is of greater effect, and though the answer of it must needs be concluded from the former, yet because it hath some considerations of its own and proper arguments, it is worth a short enquiry.

Quest.

Whether it be lawful for Christians to worship God by an image.

§ 21. Concerning which the best ground of resolution is the commandment, which it is certain the church of the Jews did understand so, that they accounted it idolatry to worship God in any image whatsoever; thus the Israelites were idolaters when they made the golden calf, for so they proclaimed, "These are thy gods, O Israel, who brought thee out of the land of Egypt: and to-morrow is a solemnity to Jehovah," said Aaron. The calf they intended as an image of their God, and by it they intended to worship Him; which is 'not improbable,' says Bellarmine[d]; which is 'certainly true,' said Ferus[e]; and which is affirmed by the Spirit of God, 'they changed their glory into the similitude of a calf that eateth hay;' that is, they represented God who was their glory by a golden calf. And concerning Micah[f], though his mother made an image, yet that it was for the worshipping of the God of Israel appears in all the story; for upon this account he hoped that the Lord would bless him, he took a Levite for his priest, he asked counsel of the Lord; yet these also he called his gods which were but the images of God, by which it appears he was an idolater, because he worshipped the true God by an image, which He had forbidden. The same was the case of Gideon who made a covenant with them that God should be

[a] [German., cap. ix.]
[b] Lib. i. in somn. Scip., cap. 2. [p. 10.]
[c] [Stat. Theb., lib. xii. 493.]
[d] [De imag., lib. ii. cap. 13. tom. ii. col. 983.]
[e] In Actt. vii. [94. ed. fol. Colon. 1567.]
[f] [Judg. xvii.]

their king, yet he made an ephod, that is, instituted a forbidden service to Him, which thing became a snare to his house, and being a prevarication of this commandment, was in its nature an idolatrous worship, and yet it was but a superstitious or false worship of the true God; and this is affirmed by the christian doctors. *Non vult se Deus in lapidibus coli,* said S. Ambrose[g], 'God will not be worshipped in stones or graven images;' and S. Austin[h] affirms that God in this commandment did prohibit, *ne quis colat ullam imaginem Dei nisi unam eandem quæ cum ipso est Christus*[i], 'that we should worship no image of God but Him that is the lively image of His person, that is, Jesus Christ:' and this is so affirmed by all the fathers, so confirmed by the doctrine and practice of the church, so adhered to by all the doctors of the Jews, that Vasquez finds himself constrained to confess, *Clare deducitur, non licuisse tum verum Deum in aliqua imagine venerari,* 'it is clearly consequent, that then it was not lawful to worship the true God in any image or representment.'

§ 22. But it is said, that though it was not then, yet now it is; for that was only a temporary precept, relative to the Jews because of their proneness to idolatry. So Catharinus[j] affirms, *totum hoc præceptum esse positivum, non morale,* this whole commandment is positive, not moral: for however something related to the Jews, yet by this commandment is only forbidden to worship the images of false gods, or the image of the true God with divine worship.

§ 23. Against this I have many things to say: 1) that idolatry is a sin against the law of nature, or of prime religion; therefore whatsoever was idolatry in the Jews is the same sin in the Christians. Indeed in the entercourses between man and man, though the relative duty be bound upon us by the commandment of God, yet the instances can be altered by human authority and consent; as new kinds of incest, several instances of murder, of treason, and the like: but where not only the law but the instances also are of God's appointment, what is once is always, unless God change the particular, which He never did in the present question. One case there is in which the particulars even of the present article can vanish; viz., when a particular is commanded apparently for a transient reason, and hath in it no essential reason, no natural rectitude; but the worshipping of God by an image is against natural reason, as I have proved by the unlawfulness and unreasonableness of making an image of God, and shall further prove in the sequel; therefore although by reason of the Jews' proneness to direct and prime idolatry the commandment put new and accidental necessities, (I mean the not having or making any pictures,) yet the prohibition of worship-

[g] Ad Valent. ep. xxxi. [al. xviii. tom. ii. col. 835 C.]

[h] Ep. cxix. ad Januar. [al. lv. tom. ii. col. 135 E.]

[i] ['nisi illa quæ hoc est quod Ipse.']

[j] Ut vid. est ap. Bellarm. de imag. [lib. ii. cap. 7. tom. ii. col. 951.]

ping God by an image having a natural and essential rectitude, and conformity to the simplicity of a natural, and to the spirituality of the christian religion, it cannot be changed as the fancies or the interests of men shall require; and of this besides the apparent reasonableness of the thing we have an express testimony from Origen [k], *Cæterum christiani homines et Judæi sibi temperant ab his propter illud legis, Dominum Deum timebis . . Item propter illud, Non erunt tibi Dii alieni præter me, et non facies tibi ipsi simulacrum, &c., aliaque multa his similia quæ adeo nos prohibent ab aris et simulacris, ut etiam emori jubeant citius quam contaminemus nostram de Deo fidem talibus impietatibus:* 'both Christians and Jews abstain from these (worshippings) because the law says, Thou shalt have no other gods but Me, and, Thou shalt not make to thyself any graven image, and for many other things like these, which so severely restrain us from altars and images, that they command us to die rather than to pollute our faith of God with such impieties.' The sum of which is, that Christians as well as Jews understood themselves bound equally by this commandment: and they were to suffer death rather than image-worship.

§ 24. 2) To worship false gods, or to give divine honour to an image which is not God, is all one kind of formal idolatry; they may differ materially, as the worshipping of silver does from bowing the head to gold, but they are formally the same thing, for it is making that to be our god which is no god; and this is sufficiently forbidden in the first commandment: now since there are more sins against that commandment than one, let us suppose that the two first (as we reckon them) are but one; yet the next must be that which is forbidden in the explication, that is to worship the true God with a false image; it is making God to be like an idol by representing Him in the same cheap impossible way, by using Him like the false gods, by making His image to become an idol, by giving Him a forbidden, hated worship, by honouring Him with a lie; all which, if they be not great violations of the commandment to which they do belong, then there is but one kind of sin there forbidden, and this is an act of so great simplicity and incommunicability that it hath neither brother nor sister, mother nor daughter, kiff nor kin, analogy nor correspondencies, addresses nor degrees. If it have not, why are so many particulars reduced to this commandment by all casuists, friends or foes in this article: if it have, this superstitious and forbidden worship being here named in the commandment, and standing next to the prime idolatry, must at least have the degree of the same obliquity.

§ 25. 3) He that makes an image of God and worships it, gives it the worship of God whom it represents, or a different. If he gives a different and consequently a less worship, he does not worship God in

[k] Contr. Cels., lib. vii. [tom. i. p. 740.]

the image; but his worship such as it is is terminated on the image, and then comes not into this enquiry: it is no more than loving a bird for Lesbia's sake, or valuing a pendent for her sake that gave it me; and this may be a civil valuation, and is to be estimated according to its excess or temper. But if by the image I mean to worship God, then I join them together in the act of adoration, and make them the same integral object: but then I give to both the same worship; and therefore unless they can both be united into an identity, I must needs give divine worship to that which is no God; which is direct idolatry. If an image of God pass the worship which I give unto God, then it goes first to the image, then to God; therefore it must needs be the same; for that which passes from the image to God must not be less than what is fit to be given to God: but if it be the same, then it ought not at all to pass upon that. If it be less than divine it must not be given to God; if it be not less, it must not pass upon that which is not God. If it be less, it is impiety when it is offered to the prototype; if it be the same and not less, it is idolatry when it is offered to the image.

§ 26.) But I need not make use of both parts of the dilemma; for it is certain that every relative worship must be the same in the middle and the end, and it is confessed by most of those who worship God and His Christ and His saints by images, that the same honour is given to both. *Eundem honorem deberi imagini et exemplari,* says Almain[l]; *ac proinde imagines S. Trinitatis, Christi, et crucis, cultu latriæ adorandas esse:* the images of the Trinity, of Christ, and of the cross are to be adored with divine worship. The same is the opinion of Alensis, Aquinas, Bonaventure, Albertus, Richardus, Capreolus, Cajetan, Coster, Valentia, the jesuits of Colen, Triers, and Mentz, who approved Coster's opinion; and indeed generally of all the Roman schools, if we may believe a great man amongst them; *Constans est theologorum sententia, imaginem eodem honore et cultu honorari et coli quo colitur id cujus est imago,* said Azorius[m]; and he supposes this to be the mind of the council of Trent, and insinuated by the second Nicene, and certainly he was in the right. For though the council of Trent used much caution in their expression of this invidious article, and expressed no particular honour, but that due honour and worship be given to them; yet when at the latter end of the decree it approves the second Nicene council and refers to that in the article; it is plain that the council of Trent intended such honour and worship to be due, as the council of Frankfort said was not due: neither is it to be imagined they durst contradict so constant an opinion, or openly recede from their great Aquinas. They have amongst them many fine devices, to make this seem what it is not; but that which is sufficient is this, that no distinction, no artifice will file the harshness

[l] [vid. in 3. sent., dist. ix. quæst. 1. fol. 26. ed. fol. Par. 1518.]

[m] Instit. moral., part. 1. l. ix. c. 6. [col. 1334 C. ed. fol. Par. 1602.]

off from this: for whereas the great thing that they say is this, that this worship being not for the image, but for God's sake passed through the image, does not give divine honours to the image; but I reply, Is it a divine honour that is given to the image or no; is it the same that is given to God, or is it another? If it be the same, then though it be not for the image but for God, yet it is for God that the divine worship is given to the image; that is, it is for God's sake that what is due to God alone is given to that which is not God; that is, for God's sake, they commit idolatry. But if it be not the same, then how do they worship God by the image? *Idem est motus ad imaginem et exemplar*, says Aristotle[n], and upon this account they suppose what is done to the image accrues to God; but then as they must take care that nothing be given to God that is less than Himself, I mean that He be not worshipped with less than a divine worship; so they may also remember, that by one motion and act of worship they cannot give less to the image than they do to God: whatsoever is less than another is not the same with another; if therefore the worship given to the image be in any sense less than that which is given to God, then it is not the same; if it be not the same, then by the same motion, by the same act of worship, there are two kinds of worship given; which is a contradiction, that one should be two, and also evacuates their great pretence of the reasonableness or possibility of doing worship to God by an image; because upon this account the same does not pass at once to both.

§ 27. 4) A good man is more an image of God than any painter or engraver can make: but if we give divine honours to a good man it were idolatry; therefore much more if we give it to an image. I use this instance to take off the trifle of worship relative, and worship terminative; for if we should offer sacrifice to man, build temples and altars to him over against his doors, burn lamps, make vows, appoint holydays, processions, litanies, institute fraternities, give him the appellatives of honour which we usually ascribe to God, it would not serve our turns to say, we do it to God whose image this man is, and we intend the honour to God finally; there it rests, it only passes through the good man, to be united to the glories of God: it were idolatry without all contradiction. I find that acts of humility have been done to the poor for Christ's sake, and the actions were referred to Christ just as all other acts of charity and alms used to be: but if divine honour be done to them, it is so far from being entertained by God as the correlative of that worship, that it is a dishonour to Him: He being curious of His own peculiar, and having given no warrant, no instance that can amount to any thing of that nature; and He will be worshipped, as Plato's expression is, τῷ μᾶλλον ἀρέσκοντι τρόπῳ, in that way (not that we choose, but) that He best likes. He that will pass worship to God by the mediation and interposition of a creature, must do it by

[n] [De memoria, tom. i. p. 452.]

using that creature in all the endearments and regards for God's sake of which it is capable. Thus by reverencing the grey head and rising up to him, we do honour to the great Father of men and angels; by relieving the poor we do honour to Christ; but neither is Christ honoured by us if we have made a rich present to a king for Christ's sake, or call a poor beggar my lord: but when for God's sake we pass those regards to several estates of men which are the best usages which prudently they can require, then the good we do to them, whether it be honour or relief, relates to God. But for God's sake to give divine honours to a man, is as if to honour the master we made his servant equal, or out of reverence to the body we should wear the shoe upon our head; and this argument must needs conclude against the worshippers of images; for although Vasquez, and I think he alone of all the world, owns the worst that this argument can infer, and thinks it lawful to give divine worship relatively or transitively to a man; yet when that whole Church excuses their worshipping of saints by saying they give only such veneration to them as is proportioned to them, not *latria* but *dulia*, that is, not divine worship in any sense, for so they would be understood to speak and do; it must needs be certain, that this argument is not to be answered, nor yet to be outfaced. However, this is certain, that when the Arians, who believed Christ to be a mere creature, though they could not deny but that (according to the express words of Scripture) He was the express and bright image of His Father's glory, yet because they gave to Christ divine honours for his relation sake to His Father the eternal God they were by the fathers of the church expressly called idolaters, as is to be seen in the first, third, and fourth orations of S. Athanasius against the Arians, and in S. Cyril *in Joh. l.* ix. *c.* 41[o], and divers other places: and whatsoever Vasquez or any man else is pleased to think of it, yet S. John[p] was twice rejected by an angel when he would have given divine honour to him, when he would have worshipped him; and yet that angel represented God, and was the servant of Jesus. And upon this account we may worship every creature, every fly, every tulip, even the onions of Egypt; for every plant is more an image of God than a dead piece of metal or marble can be:

Presentemque refert quælibet herba Deum.

And it is in images as it is in the matter of oaths, of which our blessed Saviour said that he that swears by heaven, or by the earth, by the temple, or by the gold, it is all a case; it all alike refers to God, and does Him dishonour if the matter be vain or false: so it is in images; every creature of God represents Him and is capable of transmitting honour to Him, as a wooden image; and yet because

[o] [tom. iv. p. 778 sqq.]

[p] [Rev. xix. 10, xxii. 9.]

the best images of God are not susceptive of divine honours so much as by relation, much less shall the worse images; and if it be idolatry to give such to a man, though with an intuition upon God, to do so to a dead image which hath less likeness to God cannot be put off by a distinction, and a vain imagination. I will not aggravate the evil practices or doctrines which are in the church of Rome concerning this question, but it is obvious to observe, that although this distinction of relative and terminative is invented by superstitious persons to make the question hard, and to themselves greater opportunity of quieting the scruples of tender persons; yet they do give, and openly profess to give divine honours to that which is no God: which I thus demonstrate,—The cross on which Christ suffered is but a creature, but to the image of this they give a relative divine honour; therefore to the exemplar, which is that cross whereof the other are but images, they terminate the divine honour. So Jacobus Almain in the words a little before quoted, 'The same honour is owing to the image and the exemplar; and therefore the images of the Trinity, and of Christ, and of the cross, are to be adored with the worship of *latria*,' (that is, divine). To this purpose is that clause in the pontifical published by the authority of Clement the eighth[q], *Crux legati quia debetur ei latria, erit a dextris*, 'the legate's cross must be on the right hand, because *latria*, or divine honour, is due to it.' Now this being the image can challenge but this divine honour relatively; but the cross that Helena found at Jerusalem was the exemplar, therefore to that the divine worship is due *ultimate et terminative*, it rests there; which is as downright idolatry as can be defined. But Aquinas[r] proves it ought to be so by this argument,—that in which we place the hope of our salvation, to that we exhibit the worship of *latria*, or divine worship; but in the cross we place the hope of our salvation, for so the church sings,

O crux ave spes unica
Hoc passionis tempore:
Auge piis justitiam,
Reisque dona veniam[s].

'All hail, O cross, who art our only hope in this time of our suffering: increase the righteousness of the righteous, and give pardon to the guilty.'

I could add many more things to the same purpose[t]; but because I

[q] Edit. Rom., p. 672. [fol. 1595.]
[r] [Summ., part. 3. quæst. xxv. art. 4.]
[s] [This verse was added by some unknown author to the hymn 'Vexilla regis prodeunt' of Venantius Fortunatus. —See his works, part i. p. 46. ed. 4to. Rom. 1786; and Cassander, hymn. eccles., p. 220.]

[t] Salve sancta facies nostri redemptoris,
In qua nitet species divini splendoris,
Impressa panniculo nivei candoris,
. . . . . .
Salve vultus Domini, imago beata,
. . . . . .

intend not an accusation of any one, but institution to every one that needs it, I shall only observe that this distinction is used with them as miracles and the gift of tongues was, not for them that believe, but for them that believe not: so is this for strangers, and them that make objections, not for the obedient that worship images and break the commandment; for they must or may do more than give a relative worship: but yet because it concerns us and them, I add this observation,

§ 28. 5) That if divine worship, or *latria*, be in any sense given to an image, no distinction can save it harmless: for if it be given at all, it is not changed in kind by being altered in circumstance. It is that kind of worship which all the world understands to be proper to God; now whether it be for itself or for any other thing, is nothing but an enquiry for what cause this incommunicable worship is communicated to them, that is, a looking after the cause of a thing, which no cause can legitimate; and whether this be proper or improper, yet still it is idolatry in one of the senses; whether it be direct or indirect, it still gives but an appellative and specificates the idolatry; for that which in its whole nature is unlawful and unnatural, cannot be lawful in a certain respect. *Idololatræ dicuntur qui simulacris eam servitutem exhibent quæ debetur Deo,* said S. Austin[x], 'He who gives that to an image which is due to God is an idolater;' but he who answers that he does that thing but in this or this manner, confesses the thing done and tells you how: but if the manner destroys the thing, then it is not the same worship, and then what need the distinction of the manner, which must suppose the same matter; but if the manner does not destroy the thing, then for all the distinctions it is idolatry.

§ 29. 6) I consider that in the first commandment where atheism and polytheism and allotheism are forbidden directly and principally, and whatever is like it, or even with, or under it, the preface or the reason of it is expressed by God, "I am the Lord thy God;" plainly declaring, that whatsoever is introduced against that commandment is also against that reason: God is not our God, if we acknowledge none, or if we accept of many, or any other; so that by this precept

Nos deduc ad propria, o felix figura,
Ad videndum faciem quæ est Christi pura.
. . . . . .

[From a hymn in invocation of the Veronica, or napkin said to bear the impresaion of Christ's features, preserved in S. Peter's church at Rome. This hymn was published by pope John XXII., and an indulgence of ten thousand days promised to all who repeated it devoutly in presence of the Veronica. See the Antidotarium Animæ, by Nicolas de Saliceto, fol. 51. col. 2. ed. 8vo. Delf. 1495; Hospinian. de orig. templ., lib. ii. cap. ii. p. 179. ed. fol. Gen. 1681.]

Ave ferrum triumphale,
Felix hasta, nos amore
Per te fixi saucia.

[x] [De Trin., lib. i. cap. 6. [tom. viii. col. 756 F.]

and upon this account, idolatry in the object is forbidden. But in the next precept, or (if it be the same with this) in the next periods of this commandment, there is another thing forbidden upon another reason, "Thou shalt not worship any graven image, for I the Lord thy God am a jealous God:" meaning that as His being our God infers that none else must be made our God or have divine honours done to it, so the superaddition of this attribute and appellative of God, that as He is our God, so also He is a jealous God in this very matter of entercourse with us, infers that we must not only do what He bids, but also in his own way; the thing and the manner too are taken care of. And if He had in the second precept only forbidden divine worship to be given to any artifice or to any creature, the proper reason for it had been 'for I am the Lord thy God,' but when to other words He puts another reason, it is certain it must mean something new and not signified in the first periods: but then, because the worshipping of any image of God with divine worship for the sake of the exemplar is that which is nearest and likest the manner of the gentiles, and does insensibly steal the heart of man away, and depresses our great thoughts of the eternal immense God into the circumscription of an image, and draws the mind from spiritual to material entercourses, and therefore does by immediate consequence lessen the honour of God and the propriety of the divine worship; that all this should be forbidden is justly inferred from the reason; for of these things no better reason in the world can be given, than that God is a jealous God, and will not have His honour directly or indirectly given to any thing to whom Himself is not pleased expressly to impart it; and therefore there is a natural proportion in the reason to the prohibition; for since it is usual in scripture to call idolatry by the name of fornication or adultery, God is pleased here also to forbid that manner of worship which he accounts adulterous, and declares He will not endure it because He is jealous. And let it be imagined, what can be the effect of that reason: something special must be apportioned to it, lest it be to no purpose; but that images be not taken for very God, that they may not finally and for themselves receive divine honour, is the effect of the first reason, and of the first precept; whatsoever is next to this, must be what is also next expressed, that is, not that images be not worshipped for God, but that in the worshipping the true God which is commanded in the first period, we do not bow the head and knee before images, which is forbidden in the second periods. And if men were in their proportion as jealous of their duty, and of avoiding God's anger, and escaping the divine judgments, and of preserving their eternal interest, as God is of His honour; they would never so much intricate their duty, and brand the commandment, and do that which is so much against the letter of it, and against the doctrine of that church to whom the law was given, and against so much reason, and for the doing of which they are forced to use so much

violence of answer, such convulsions of distinction: a jealous man will not endure such comportments in his wife, for the justification of which she is so hardly put to it, that she must have half a dozen answers before she can please herself, or think that she does well, and which after all, will look but like pitiful excuses. But above all excuses it would seem the worst if she should say, I do admit another man, but not as my husband, but with a less regard and another sort of complication than I use to him; and that which I do I do it for his sake, he is so like him that he is his very picture; and he is his very great friend, and what I do is for that very regard. A jealous man would hardly take this for satisfaction. And if it be considered that there is nothing so clear but something may be said against it, and παντὶ λόγῳ λόγος ἀντίκειται, 'every word can be contradicted by a word,' and then how many presumptions, how many reasons, how many express words, how many ages, and how many religions, do join in the condemnation of worshipping God by an image; it may very well be concluded that our jealous God will not endure half so much disobedience, wilful ignorance, and obstinacy, in such persons as against so much reason and religion and for so few and trifling pretences will worship God and His Christ by images against the words of His own commandment.

§ 30. 7) If it be enquired how an image can be an idol; the answer must be, by giving to it divine worship, or something that is due and proper to God. Now whoever knows it to be an image of a thing, if he have any use of reason, if he be not a changeling, believes better of the exemplar than of the image, and knows that the worship sticks not in the image: he cannot worship it for itself, but for something to which it relates, or for something that adheres to it, or is derived upon it; still the honour goes beyond the natural or artificial image. The image hath no worth of its own beyond the art or nature, and can be estimated but as silver, or marble, or carved; and therefore no religion passes upon it for its own sake: since therefore whatsoever passes on it is for the sake of that which it represents, an image that is understood to be an image can never be made an idol; or if it can it must be by having the worship of God passed through it to God; it must be by being the analogical, the improper, the transitive, the relative (or what shall I call it) object of divine worship. Now that this consideration may have its effect, I shall not need to say that an idol and an image is all one, though that be true in grammar; and Erasmus[y] said that S. Ambrose knew no difference between them, but that every image (made for religion) is an idol, and that he himself saw no difference: but because the church in some ages hath supposed a difference, I shall also allow it; but find all the danger of any such allowance taken away by the instance of the brazen serpent, which did pass under

[y] In 1 Cor. viii. [tom. vi. col. 704 C.]

both notions, for it was a mere image or representment of a serpent, and the commemoration of God's delivering His people from them; but when it came to be used in a religious worship then it was an idol, permitted when it was a bare image, but broken when it passed into an idol. An image or a doll do not differ in themselves but by use and custom of speaking: the church calling it an image so long as it is used lawfully, but it is an idol when it is used unlawfully; that is in plain speaking, an image is lawful to be made or kept for some purposes but not for other. It is lawful for story, for memory of an absent friend or valued person that is away, for the moving an affection, for ornament and the beauty of a place; but it is not lawful to have them, not lawful to make them with designs of ministering to religion, or the service and worship of God: which I choose to express in the words of the author of the famous books under the name of Charles the great[s], *Nos imagines in basilicis positas idola non nuncupamus; sed ne idola nuncupentur, adorare et colere eas recusamus,* 'we do not call all images by the name of idols, but lest they become idols we refuse to worship them.' But yet this I add, that although in the use of the two Greek words εἰκὼν and εἴδωλον, and of the Latin *idolum* and *imago*, men have troubled themselves with finding material differences; yet although it might be of some use in enquiring the meaning of the ancient doctors of the church in the question of images, yet it will be wholly impertinent as to the commandment. For God forbidding images used the word פֶּסֶל, which signifies properly a graven image; and because there were more sorts besides this, God was pleased to forbid תְּמוּנָה, which the LXX render by *πάντος ὁμοίωμα,* 'the likeness of any thing:' and it contains *sculptile, fusile, ductile, conflatile,* that is, all sorts of representations, flat or extant, painted or carved; and the force of this word can be eluded by no distinction. But then as to the meaning of these words in the use of the ancient doctors, this is certain, that although about the time of the second Nicene council, this distinction of *idolum* and *imago* was brought into the christian church; yet it was then new, and forced, made to serve the ends of new opinions, not of truth: for in Tertullian's time there was nothing of it, as appears by his words in his book *De idololatria*[t], *Ad hoc necessaria est vocabuli interpretatio: εἶδος Græce formam sonat; ab eo per diminutionem εἴδωλον deductum æque apud nos formulam fecit. Igitur omnis forma vel formula idolum se dici exposcit: estque idololatria, omnis circa omne idolum famulatus et servitus:* 'every image (meaning, of God) is an idol, and all worship and service about them is idolatry.' This is plain, and short. And that once for all I may make it clear that an idol and an image was all one in the sense of the word and of the ancient church, it is undeniably so

[s] [De imagin.] lib. iv. [cap. 18 p.582. 8vo. 1549.]
[t] Cap. iii. [p. 87 A.]

used in Cicero, *lib.* i. *de fin. bonor. et mal.*[b], *Imagines quæ idola nominant, quorum incursione non solum videamus sed etiam cogitemus, &c.*, and for the church S. Chrysostom[c] is an authentic witness, for he calls the pictures by which they then adorned their houses by the names of idols, Οἰκίας . . κατακοσμοῦμεν εἴδωλα πανταχοῦ καὶ ξόανα ἱστῶντες, 'we trim our houses, placing every where idols and pictures.'

§ 31. Upon this account we may understand the meaning of the primitive fathers, who would not endure that a picture should be made, or kept, who condemned the art itself as deceiving and adulterous, who said that God forbad the very trade itself: so Tertullian[d], *Jam vero ipsum opus personarum quæro an Deo placeat, qui omnem similitudinem vetat fieri, quanto magis imaginis suæ?* 'Can the making vizors please God, who hath forbidden all similitudes or images and pictures to be made, and how much more any image of Himself?' *Nobis enim est aperte vetitum artem fallacem exercere*, said S. Clement[e] speaking of pictures and images, the very art is forbidden to Christians. The same is affirmed by Origen[f], and long after by S. Chrysostom; but Tertullian[g] said, that the devil brought painting and carving into the world; and adds, *toto mundo ejusmodi artibus interdixit servis Dei*[h], that God hath forbidden to all His servants in all the world to use such arts. But they are to be understood by their own words spoken when they had the same reason and less heat; for that the very making of images was forbidden by God by way of caution only and provision, not for any turpitude or unreasonableness in the thing, but for the danger which then was pregnant, themselves affirm: *similitudinem vetans fieri omnium . . ostendit et causas, idololatriæ sc. substantiam cohibentes: subjicit enim, Non adorabitis ea, &c.* so Tertullian[i]. To the same purpose is that of Origen[k] speaking of the Jews, 'there was no painter or statuary admitted into their cities, their laws driving away all this kind of people,' *ne qua occasio præberetur hominibus crassis, neve animi eorum a Dei cultu avocarentur ad res terrenas per hujusmodi illecebras*, 'lest any occasion should be given to rude people of drawing their minds from the pure worship of God to earthly things.' Now if this sense was also in the commandment, it is certain that this was but temporary, and therefore could change, and that it was changeable appears in this, that God by a divine spirit assisted Bezaleel and Aholiab in the like curious arts, and by other instances which I have already reckoned[l]: now

[b] [cap. 6.]
[c] [In Phil. iii. hom. x. § 3. tom. xi. p. 279 C.]
[d] De spect. cap. xxiii. [p. 82 C.]
[e] Protrep., p. 41. edit. Paris. [1629, al. p. 54. ed. 1715.] strom., lib. vi. [cap. 18. p. 825.]
[f] Lib. iv. contr. Cels. [§ 31. tom. i. p. 524; of. lib. viii. § 17. p. 754.]
[g] De idol., cap. iii. [p. 86 D.]
[h] [ibid., cap. iv. p. 87 A.]
[i] Lib. ii. c. 22. adv. Marcion. [p. 392 D.]
[k] Contr. Cels., lib. iv. [tom. i. p. 524.]
[l] Rule vi. § 10. [p. 419.]

this sense and severity might perpetually oblige the Jews, because during the whole abode of their synagogue there was almost an equal danger by their perpetual conversation with idolatrous nations: and therefore it was very well said of Tertullian[n] in the matter of the brazen serpent, 'if thou regardest the law, thou hast God's law, Make not the likeness of any thing: but if thou considerest that afterwards Moses did command them to make the likeness of a serpent, do thou also imitate Moses, and against the law make no likeness, unless God also give thee a commandment as He did Moses.' Meaning that the singular example was no prejudice to the law; *exceptio firmat regulam in non exceptis.* This part of the commandment was by God dispensed with in that instance and in a few more: but these few confirm the rule in all things and instances besides themselves, for they say that without God's leave we may not break this commandment. In Tertullian's time this very necessity did still abide, and therefore they had the same zeal against images and 'whatsoever gave substance to idolatry;' that's Tertullian's phrase for painters and statuaries. But then this also is to be added, that all those instances in the Old testament of the brazen serpent, the bulls, the pomegranates, the cherubims, the curious works of Bezaleel, are not to be used as arguments against the morality of the second commandment, because these were single causes, and had their special warrant or approbation respectively from the same fountain whence the prohibition came: at least let them prevail no further than they ought; let them mean no more than they say, and let us go no further than the examples, by which we find images made for other uses, but not for worship: and therefore the commandment may be moral in all the periods of it, this only excepted which relates to the making of them.

But when we consider further that Solomon caused golden lions to be made about his throne, and the Jews imprinted images on their money, and in Christ's time they used the images of Cæsar on their coin, and found no reprover for so doing, this shews that there was something in the commandment that was not moral; I mean the prohibition of making or having any images: for to these things we find no command of God, no dispensation, no allowance positive, but the immunity of reason and the indemnity of not being reproved; and therefore for so much as concerns the making or having pictures and images we are at liberty without the warranty of an express commandment from God. The reason of the difference is this; the first instances (excepting that of the brazen serpent, which because it was to be instrumental in a miraculous blessing must suppose a divine commandment, like a sacrament or sacramental,) were of images used in the tabernacle or temple, and so came within the verge of religion; and for their likeness to the main superstition

[n] De idol., cap. v. [p. 88 B.]

might not be ventured upon without special leave or approbation: and therefore God gave command for the images of the tabernacle, and by His majestatic[o] presence in the temple approved all that was there. Upon what confidence Solomon ventured upon it, and whether he had a command or no, I find not recorded, but *ex post facto* we find it approved. But for the other images which related wholly to civil use, right reason and the common notices of things was their sufficient warrant while they could have no end in disobedience, no temptation to it, no reward for it; when it did not contradict any natural or religious reason there was no danger of idolatry, no semblance of superstition. So that the result is this; the Jews were forbidden to make or have any images, and this was because of their danger; but this was no moral law. But the very making and having them for worship is forbidden as the thing itself is. Just as adultery and wanton looks are forbidden in the same commandment, and are acts of the same sin; so is worshipping and having them for worship, it is that which S. Paul[p] calls in the matter of uncleanness, 'making provision for the flesh to fulfil the lusts thereof:' making images and pictures to this end is providing for the flesh; for this also is fornication and spiritual whoredom. And as we may look upon a woman, and be innocent, so we do not look upon her for lust; so may we have or make pictures and images, but for worship we may not: and in this sense of the words even this period of the commandment is also moral, and obliges us as much as the Jews; but if those words did abstractedly and without their relation bind the Jews, it did never bind us but by way of caution and prudence, that is, when we are in the same dangers as were the Israelites, in the rudeness and infancy of their church especially. And this we find in Tertullian[q], that when he had affirmed the very art of painting and engraving to be unlawful, to them who enquire, what then shall the poor men do who have no other means to get their living, he answers, 'let them paint tables and cupboards, and remove their art from danger of religion to necessary and fit provisions for life; let them do things as like as they were enabled by their art,' so they were unlike the violations of religion; and therefore the church celebrates on the eighth of November the memory of Claudius Nicostratus and their fellows who chose to die rather than make images for the heathen temples; they were excellent statuaries, but better Christians. By which it is plain that he means the very art as it ministered to idolatry; for abstracting from that ministry and that danger it was lawful enough;

> Qui fingit sacros auro vel marmore vultus,
> Non facit ille Deos; qui rogat ille facit[r];

[o] ['majestic' B, C, D.]
[p] [Rom. xiii. 14.]
[q] [De idol., cap. viii. p. 89 B.]
[r] [Mart., lib. viii. epigr. 24.]

To this purpose they are excellent words which were spoken by Clemens Alexandrinus[w], 'Moses many ages before made a law that there should be no graven, no molten, no painted image or likeness of a thing made amongst them; that we should not attend sensible things, but pass to those which are perceived by the understanding only. For the daily custom of seeing him *in effigie* makes that the majesty of God becomes vile and contemptible; and by material substances (gross images) to worship that essence which is only discerned by the mind, is by the sense to undervalue the eternal mind.'

§ 33. 9) And upon these accounts we find that the Christians were great haters of image-worship, and even of images themselves; and did deride the heathen follies, who in the midst of their witty disputations and wise discourses of God, did so unman themselves and baffle their own reason as to worship this invisible God by looking upon a contemptible image. To this purpose Origen[x] discourses wisely; 'God hath chosen the folly of the world, those amongst the Christians whose lives were most simple, modest, and more pure than that of the philosophers, that He might put to shame those wise men who blush not to speak to lifeless trunks as if they were gods or images of the gods. For what sober man does not easily discern him who after his excellent and philosophical discourses of God or of the gods does presently look upon images, and offers prayers to them; or by the beholding them as some conspicuous sign, strives to lift up his mind to the imagination of an intelligible deity? but the Christian though but unlearned yet he believes verily that the whole world is the temple of God, and he prays in every place, shutting his bodily eyes, but lifting up the eyes of his mind .... and being rapt[y] as it were beyond this world, he makes his prayers to God for great things.' This is the advantage, the spirituality and devotion of the Christian. Concerning which it were easy to bring many ancient testimonies; which whoever is desirous to see, may find them frequently in the fathers of the four first ages, but especially in Irenæus, *l. i. contr. hær.*, *c.* 24[z]; Origen, *l. vii. contr. Cels.*[a]; Tertull., *de idol.*, *c.* 5[b], and *de coron. mil.*[c], and *de Spectac.*, *c.* 23[d]; Clemens Rom., *Recogn. l. v.*[e], and Clem. Alex., *strom. i.*[f] *et v.*[g]; S. Chrysost., *in Synod. vii. act.* 6[h], and *in* 1 *Cor. viii.*[i]; Epiph., *hær. xxix.*[k]; Amphiloch., *apud Syn. vii. action. ead.*[l]; Optatus, *l. iii. contr. Donat.*[m]; S. Ambrose, *ep. xxxi. ad Valent.*[n]; S. Austin,

[w] Stromat., lib. v. [cap. 5. p. 662.]
[x] Contr. Cels., lib. vii. [tom. i. p. 726.]
[y] ['rap'd' A, 'wrap'd' B, C, D.]
[z] [al. 25. p. 104, 5.]
[a] [tom. i. p. 726 sqq.]
[b] [p. 88 B.]
[c] [cap. x. p. 106.]
[d] [p. 82 C.]
[e] [§ 14 sq. p. 550 sqq.]
[f] [cap. 15. p. 359.]
[g] [cap. 5. p. 662.]
[h] [Concil., tom. iv. col. 396 B.]
[i] [Hom. xx. tom. x. p. 171 sqq.]
[k] [? lxxix. tom. i. p. 1061.]
[l] [col. 397 C.]
[m] [cap. 12. p. 69.]
[n] [tom. ii. col. 833 sqq.]
[o] [Serm. ii. tom. iv. col. 1259 sqq.]

in psal. ciii.[o], all which speak of this article so as needs no commentary, and admits of no evasion, decretorily and dogmatically and zealously.

§ 34. Now against this heap of plain testimonies there is not any one clear sentence and dogmatical proposition to be brought; and if there could be brought forty particular instances of a contrary practice, though there are not three to be had in pure antiquity and in authentic testimony, yet it could not in any degree abate the certainty of this doctrine; because the doctors of those ages say that wherever there is any such thing, it is unlawful. Epiphanius[p] did rend in pieces the veil at Anablatha near Bethlehem, because it had in it the picture of a man, and this is so notorious that Alfonsus à Castro[q] calls him an iconoclast; but Epiphanius gives this account of it to the bishop of Jerusalem, *Contra auctoritatem scripturarum esse ut in Christi ecclesia hominis pendeat imago;* and, *Istiusmodi vela contra religionem nostram veniunt*; 'It is against the authority of the scriptures, it is against our religion, that the image of a man, that such veils should be in the church:' and Lactantius[r] as plainly, *Dubium non est quin religio nulla sit, ubicunque simulacrum est,* 'where an image is, it is certain there is no religion;' and S. Austin answers all pretensions to the contrary which can readily be drawn from antiquity: 'I know,' says he, 'many that are worshippers of pictures, but such as neither know nor exhibit the force of their profession, but they are such who are superstitious in their very religion, such which the church would condemn, and daily seek to correct like evil children.' This being the doctrine of the primitive church, if a contrary practice comes in, it is certain it is by corruption of faith and manners. The temples of gods and the images of gods they had in equal detestation: not that they hated public places of worship, but *templa, non ecclesias,* or *dominicas;* for we must know that in the language of the fathers by 'temples' they did mean such as the gentiles had: such as the holy scriptures call the place of Micah's images, 'an house of gods[s],' according to that famous saying of Isidore, *templi nulla ratio quod non coronat simulacrum,* 'It is no temple that is without an image;' and it is no church that hath one according to the primitive christian doctrine: and it was remarkable what is told by Ælius Lampridius in the life of Alexander Severus, that when Adrian the emperor had commanded churches to be built without images, it was supposed he intended them for the service of Christ; than which there needs no greater or clearer instance of the doctrine and practice of the holy primitives.

§ 35. But the best and most perfect account that can be given of the christian religion in this article, is by the ecclesiastical laws.

[p] [Epist. ad Johann. Hierosol., tom. ii. p. 317.]
[q] [Advers. hæres., lib. viii. col. 572.]
[r] Inst. div., lib. ii. de orig. error. [cap. 19. tom. i. p. 185.]
[s] [Judges xvii. 5.]

The council of Eliberis in Spain[t] made a canon, *Placuit picturas in ecclesia esse non debere, ne quod colitur aut adoratur in parietibus depingatur;* 'pictures must not be in churches, lest that which is worshipped or adored be painted upon the walls.' From which plain place Bellarmine, Perron, Binius and divers others take great pains to escape: it matters not how, as to the question of conscience; it is sufficient what Agobardus[u] bishop of Lyons above eight hundred years ago says in this very particular; 'Now error is so grown and is perspicuous, that they approach near the heresy of the Anthropomorphites, and worship images, and put their hope in them; the cause of which error is, that faith is departed from men's hearts, and they put their confidence in what they see. But as when we see soldiers armed, or husbandmen ploughing or mowing or gathering grapes in picture, or the pictures of huntsmen pursuing their game, or of fishermen throwing their nets, we do not hope to receive from them a mullet, or a month's pay, handfuls of barley or clusters of grapes; so if we see winged angels painted, apostles preaching, martyrs dying, we are not to expect any aid or good from the images we see, because they can neither do good nor hurt. Therefore for the abolishing of this superstition, *recte ab orthodoxis patribus definitum est,* it was rightly defined by the orthodox fathers that pictures ought not to be in churches, lest that which is worshipped (viz. God or His Christ) be painted upon their walls.' To the same purpose the fathers of the fourth council at Constantinople[v] did quote the words of Epiphanius, as we learn from the acts of the second Nicene council, in these words; 'Take heed to yourselves and hold the traditions which ye have received, decline not to the right hand or to the left: and remember my beloved sons that ye bring not images into the churches, nor into the cemeteries of the saints; but by remembrance place God in your hearts.' To the same purpose was it decreed by another synod at Constantinople of three hundred and thirty eight bishops[x], under Constantius Copronymus, forbidding all use of images in churches or out of them: and so much of their decree as forbad the worship of images was followed by Charles the great, and the learned men of that age, and confirmed by the synod at Frankfort[y] where the bishops of Italy, France and Germany were called by the emperor to that purpose.' To these if we add the council of Mentz[z], and the second council of Sens[a], who commanded *populum moneri ne imagines adoret,* 'that the people should be warned that they do not worship images;' we have testimony enough of the christian doctrine and usages of the best men, and the best times.

[t] Eliber. can. 36, [tom. i. col. 254.] Illa [lex] non imprudenter modo, verum etiam impie concilio Elibertino lata est de tollendis imaginibus,—Canus loc. theol., l. v. c. 4. concl. 4. de pict. et imag. [p. 251.]

[u] [De pictur. et imag., cap. 33. p. 266. ed. 8vo. Par. 1666.]

[v] Syn. vii. act. 6. [tom. iv. col. 389.]

[x] An. Dom. 753. [citat. in synod. vii. act. 6. col. 345 sqq.]

[y] [Can. ii. tom. iv. col. 904.]

[z] [Can. xlii. tom. ix. col. 2122.]

[a] Senon. ii. c. 20. [can. 14. tom. ix. col. 1945.]

§ 36. Concerning the christian doctrine, I suppose myself to have said enough in this article. But besides the premises there is something peculiar to be superadded which concerns both Jews and gentiles, and the uninstructed laity of the Christians.

§ 37. 1) Concerning the Jews I have already made it appear that their religion was perfectly against images. But I have two things to add which relate to them; first that in the disputations between the Jews and christian doctors in the primitive church, they never objected against the Christians that they either had images or did worship them; as is evident to them that read the conference between Justin Martyr and Tryphon, and in the book which Tertullian wrote against the Jews, and in divers other rencontres; in which the Jew was forward to object all that he could asperse the Christian withal, and he on the other side as ready to defend his cause. But not one word in any of them of objection against the Christians in the matter of images; which is an evident argument that the use of images was not as yet known to the church of the first ages.

2) For when the doctrine and manners of the Christians began to be sullied and degenerate, and she who was a pure virgin and dear to Christ began to fornicate with strange imaginations; the Jew instantly became clamorous and troublesome in the article, professed himself to be scandalized at the whole religion, and in all disputations was sure to lay it in the Christian's dish. There was a famous dialogue written a little before the time of the seventh synod, in which a Jew is brought in, thus speaking to the Christian[b], *Scandalizor in vos Christiani quia imagines adoratis: scriptura quippe ubique præcipit non facere quenquam sibi sculptile, vel omnem similitudinem:* 'I am offended at you Christians because ye worship images; whereas the scripture every where commands that no man should make to himself any graven image or the likeness of any thing.' Of the same accusation Leontius[c] bishop of Cyprus takes notice in his Apology against the Jews: and that the Jews make great noises with this accusation of the Christians, and put very much upon it, we may see in the epistle of Ludovicus Carretus[d], and the Catechetical Dialogues of Fabianus Fiogus[e]. But this observation is very remarkable out of the Jewish talmud; for in the first part of it which they call the *misna*, there is not one word of declamation or reproof against Christians in the matter of images (as hath been long since observed by learned men;) for this was made about two hundred years after Christ, in all which time the Christians did hate images as much as the Jews did. But in the *gemara Baby-*

[b] Syn. vii. act. v. [tom. iv. col. 293 D.]

[c] [Apud Joann. Damascen. de imag., orat. i. tom. i. p. 325, et fusius in synod. vii. act. 4. col. 193 sqq.]

[d] [Judæus conversus, sive liber virorum divinorum, ad Calc. Synagogæ Judaicæ J. Buxtorfii; vid. p. 637. ed. 12mo. Hanov. 1607.]

[e] [Dialogo fra il catechumino, &c., cap. 33. fol. 68, 9. ed. 4to. Rom. 1582.]

lonicum, which is the second part of the talmud that is of authority amongst them, which was finished about five hundred years after Christ, at which time also images began to be received in churches; there and in all the commentaries of the rabbins published in the tenth or eleventh age, the Jews call the christian churches בֵּית עֲבוֹדָה זָרָה, *beth havoda zara*, 'the house of idolatry:' and it will be impossible that ever they can become Christians so long as they see images worshipped in our churches, and the second commandment left out of the catechisms of those with whom especially they do converse.

§ 38. That which I am to say concerning heathens is this, that it is impossible that those Christians who worship images of God should distinguish their manner of worshipping the true God from the manner by which the heathens worshipped their gods. For they did not suppose their images to be gods, and therefore they would laugh at the Christians if they had nothing else to say against them but that God is not a stone, or metal polished by the engraver's tool. Thus Arnobius[f] brings in the gentiles speaking, *Neque nos æra, neque auri argentique materias neque alia quibus signa confiunt, eas esse per se deos et religiosa decernimus numina, sed eos ipsos in his colimus, . . quos dedicatio infert sacra, &c.:* 'we do not think the gold, or the brass, or the silver, of which we make our images, to be gods: but in these images we worship them.'

> Hoc Deus est quod imago docet, sed non Deus ipsa,
> Hoc videas, sed mente colas quod cernis in ipsa[g].

'The image is not God, but represents Him; your eye upon the image and your mind upon God.' *Quis enim alius est nisi si sit plane fatuus, qui hæc deos esse putet, non autem deorum donaria et simulacra;* 'None but fools,' said Celsus[h], 'will call them gods which are but images of the gods:' and it is very pertinent which Lucian[i] told the matron, who took it ill that she was complimented too high and compared in beauty to the goddesses: 'I never did,' says he, 'fair lady, compare you to the goddesses, but with their images made by the best workmen of stone, or brass, or ivory. And I do not think it impious to compare things with men, if those things are made by men, unless you will suppose that Phidias made Minerva, or that to be the heavenly Venus which a great many years ago Praxiteles made at Cnidus. But take heed, for it is an undecent thing to think such things of the gods, whose true representations (as I suppose) no human industry can make.' The same is to be seen in Athenagoras[j], in Arnobius[k], in Lactantius[l], S. Austin[m], and divers others. *Signa ad*

[f] [Contr. gent., lib. vi. § 23. max. bibl. vet. patr., tom. iii. p. 497 E.]
[g] [Polydor. Vergil. de invent. rer., lib. vi. cap. 13.]
[h] Origen. contra Cels., lib. vii. [tom. i. p. 738.]
[i] Lucian. pro imagin. [cap. xxiii. tom. vi. p. 52.]
[j] Legat. pro Christian. [cap. xviii. p. 80 sqq.]
[k] Lib. vi. adv. gentes. [p. 496.]
[l] Lib. ii. Div. inst., cap. ii. in init. [tom. i. p. 116.]
[m] De civit. Dei, lib. viii. cap. 23. [tom.

Junonis sospitæ cruore manavere, said Livy[n]; 'the signs,' meaning the images in Juno's temple, 'did drop blood:' and Clemens Romanus[o] brings in the heathens saying, 'We worship visible images to the honour of the invisible God;' and they could sometimes laugh at their gods whom their priests exposed to worship, and yet themselves knew them to have been a plum-tree.

> Olim truncus eram ficulnus, inutile lignum,
> Cum faber incertus scamnum faceretne Priapum,
> Maluit esse deum: deus inde ego, furum aviumque
> Maxima formido[p].———

It was a great question amongst the carpenters whether this wood should be a god or a stool; now they that talked thus, knew what that was which their mystic persons called a god; they were sure they could be but images of them. So that these Christians who worship God by an image, although they otherwise sin against the first commandment than heathens do who worship false gods; yet they sin equally against the second commandment, and by images transmit worship to their God respectively. I do not doubt but the ruder among the heathens did suppose the very image to be their god, or that their god did dwell in their temple, and in their image, or that a divine power was communicated to it;

> Ut pueri infantes credunt signa omnia ahena
> Vivere, et esse homines, sic isti omnia ficta
> Vera putant; credunt signis cor esse in ahenis[q].

for some are such very children as to think the wooden puppet to be a woodman: and therefore when the prophets discoursed against them in the matter of images, they called them wood and stone, gold and silver, and represented the folly of putting trust in things that had no life, which themselves placed there, which cats did sit upon and birds build their nests in: but either by these arguments they did reprove those fools amongst them who did suppose them to be gods indeed (who also sinned directly against the first commandment, and committed idolatry in the object of their worship), or those better spirits and wiser heads among them, who though they derided that folly, yet they put their trust in the images, as supposing them invested with power from their god, and that by them he would do them benefit.

3) Now how far differing this is from the practice of Christians in some times and places, we may guess by the complaints made by learned men, particularly by Cassander[r], and Polydore Vergil[s], and Hesselius[t] the Regius Professor at Louvain; but without the aid of their testimony, it is plain by their public and authorized treatment of

vii. col. 210.] et in psal. cxiii. conc. 2. [tom. iv. col. 1259 sqq.] et lib. iii. de doctr. christ. [cap. 6—9. tom. iii. part. 1. col. 47, 8.]

[n] Dec. ii. l. 3. [al. lib. xxiii. cap. 31.]

[o] Recog., lib. v. [§ 23. p. 552.]

[p] [Hor. sat., i. 8. 1.]

[q] Lucil. [apud Lactant. inst. div., lib. i. cap. 22. tom. i. p. 105.]

[r] Consult. loc. de imagin. [p. 974 sqq.]

[s] De invent. rer. [lib. vi. cap. 13.]

[t] In Decal. part. i. c. 66. [p. 59. ed. 1567.]

their images, they consecrate their images, they hope in them, they expect gifts and graces from them, they clothe them and crown them, they erect altars and temples to them, they kiss them, and bow their head and knee before them, they light up tapers and lamps to them, which is a direct consumptive sacrifice, *et reliquam observationem circa eas similiter ut gentes faciunt*; 'they do to their images as the heathens do to theirs;' they are the words of Irenæus[u], by which he reproves the folly of some that had got the pictures of Christ and Pythagoras and other eminent persons: but that which is most to be reproved and can be less excused is their prayers and forms of dedicating their golden or wooden images; 'Sanctify O God this form of the blessed Virgin[x], that it may bring saving help to Thy faithful people, that thunders and lightnings may be driven away the sooner, that immoderate rains or floods, and civil wars or the invasion of heathens, may at the presence of this be suppressed.' As bad or worse are in the pontifical in the dedication of an image of the cross, and of S. John, and at the hallowing the *Agnus Dei*[y]. Now these things are as bad as can be, and yet done to images (I do not doubt) for their sakes whom they represent, but yet with some regard to the image itself; for so they value our lady of Hales, our lady of Walsingham, of Loretto, of Sichem, Aspricollis, Prurietana, Ardilleriana, more than our lady of Notre-Dame, or Florence, or S. Denis. Now when the relatives of one term do differ, it is for themselves that the difference is, not for the correlative which is still the same; and here for the common people to discern the niceties and the intricate nothings that their learned men have devised to put a visor upon this folly, is so impossible that it will not be easy to make them understand the terms, though a learned man were by them at every cringe they make. They cannot tell whether the worship be to the image or the exemplar, which is prime and which is secondary; they cannot distinguish of *latria*, and *dulia*, and *hyperdulia*, nor can they skill in proper or improper worship, mediate and immediate, univocal, equivocal, and analogical, nor say how much is for this, and how much for that, or which is simple and which is allayed, which is absolute and which is reductive. And although men in the schools, and when they have nothing to do but to make distinctions which no body can understand, can separate word from word, form from matter, real from notional, the shadow from the body, a dream from a vision, the skin from the flesh, and the flesh from the bone; yet when they come to action and clothe their theorems with a body of circumstances, he that attends the present business of devotion and desire will not find himself able or at leisure then to distinguish curiously; and therefore it was well said of Hesselius of Louvain, 'Images were

[u] [Contr. hær., lib. i. cap. 25. p. 105.]

[x] Pontific. Rom. [The reference corresponds generally with the prayer in the pontifical under the title 'De benedictione capsarum pro reliquiis includendis.']

[y] Vid. Missal. Rom. sub tit. 'De ritu servan.' [In the 'rubricæ generales' prefixed to the missal.]

brought into use for the sake of the laity, and now for their sakes they are to be removed again, lest they give divine worship to the image, or fall into the heresy of the anthropomorphites:' he might have added 'or lest by worshipping God by an image they commit the sin of superstition and idolatry, breaking the second commandment.' For the same folly which in the heathens was reproved by the primitive Christians, the same is done now-a-days by Christians to their images. I shall conclude this with a story out of an Italian who wrote commentaries of the affairs of India. When the poor barbarians of *Nova Hispania*[s] in the kingdom of Mexico had one day of a sudden found their idols taken down and broken, they sent four principal persons of their country to Alfonsus Zuasus the licentiate who had commanded it; they complaining of the injury, supposed also and told him, they did believe it to be done without his consent or knowledge, as knowing that the Christians had idols and images of their own, whom they valued, and adored and worshipped: and looking up and espying the image of S. Sebastian whom Alfonsus had in great veneration hanging by his bed side, they pointed at him with their finger, saying, the same regard which he had to the image of S. Sebastian, the same they had to theirs. The governor being troubled with this quick and not barbarous discourse, turned him about a little, and at last told them that the Christians did not worship images for their own sakes, but as they represented holy persons dwelling in heavenly places; and to demonstrate that, took down the image of S. Sebastian, and broke it in pieces. They replied that it was just so with them, and that they were not so stupid to worship the images for their own regards; but as they represented the sun and moon and all the lights of heaven. Alfonsus being yet more troubled, was forced to change the state of the question, by saying that the object was differing though the manner was not; that the Christians did by their images pass honour to the great Creator of the world, but they did it to creatures, to evil spirits and false gods; which was indeed very true, but it was a removing the question from the second commandment to the first: for although in relation to the first the heathens have the worst of it, yet as to the second these Christians and the poor Indians were equal; and the wit of man cannot tell how they differ.

§ 40. But I shall add this, that though it be impossible to know how the worship of God by an image should come into the world, unless it be as Tertullian said of the very art of making images, that it came from the devil; yet it is observable that it never prevailed any where but in a degenerating people. The Jews at first were pure

[s] Pietro Martire [it should be Gonzalo d'Oviedo.] hist. delle Ind., l. xx. c. 11. [§ 28. fol. 182 of the Spanish edition, fol. Salam. 1547. It is contained in an Italian translation in the 'Navigationi et viaggi,' &c. of Ramusio, vol. iii. p. 184. fol. Ven. 1606.]

worshippers of the God of their fathers, but at any time when Satan stood at their right hand and made Israel to sin, then they would play the fool with images. In the purest times of christianity they kept themselves clean from images; but as they grew worse, so they brought in superstition, and worship of images: and so it was amongst the heathens too. While they kept themselves to the principles of their institution and tradition which they had from the patriarchs of nations who had been taught by God, and lived according to nature, they worshipped God simply and purely.

Si Deus est animus ———
Hic tibi præcipue pura sit mente colendus[a].

A pure and immaterial substance is dishonoured by any worship but that of a pure and holy mind; and the ancientest Romans for a hundred and seventy years together worshipped without an image, said Varro[b], who adds this judgment of his own, *quod si adhuc mansisset castius dii observarentur*, 'if the same had been still observed, the gods had been more purely, more chastely worshipped.' The word which Varro uses is very proper and according to the style of scripture, which calls idolatrous worshippings by the name of 'fornication.' But Varro adds this reason: *Qui primi simulacra deorum populis posuerunt, eos civitatibus suis et metum dempsisse, et errorem addidisse;* 'the introduction of images brought in error and cast out fear:'

Stulte verebor ipse cum faciam Deos[c]:

If I worship what I make, I will not fear what I worship. 'Well and wisely did he suppose, said S. Austin[d], that the greatness of their gods might soon become despicable by the foolishness of images: and it might reasonably prevail against the old superstition, to suppose that He who governed all the world ought to be worshipped without an image.' The same testimony we have in Plutarch in the life of Numa[e]: 'The gods had houses and cells but no images, as supposing it to be impious to express the greatest things by the basest, and knowing that there is no other way of coming to God but by the mind.'

§ 41. From hence I infer that neither God nor nature, neither reason nor religion brought images into the worship of God; but it was the invention of superstitious men, or rather of the enemy of mankind, that he might draw the heart of man from contemplation of the invisible and depress it to low phantasms and sensible adherences, to diminish the fear of God, and to produce confidencies in dead substances clothed with accidents of art; to amuse the foolish, and to entertain the weakest part of him that is wiser, and that religion might be capable of tricks and illusions which could not happen to immaterial and spiritual worshippings. But that all the reason of the

[a] [Dionys. Cato, moralia, distich. i.]
[b] [Apud August. De civ. Dei, lib. iv. cap. 31. tom. vii. col. 111.]
[c] [Sen. Octav. 449.]
[d] [ubi supra.]
[e] [tom. i. p. 259.]

world is against it may be the rather presumed, because although the patrons of images offer at some reasons for the use of images in story and ornament and instruction, yet no man pretends to any reasonableness of worshipping God by an image, or giving God's due to an image: some of them say that the same worship passes from the image unto God, and therefore it is lawful, and God is not dishonoured; but upon no reasonable account can it be said that therefore it is good, that it pleases God, that it promotes His honour, that it is without danger; and however any man may intend to pass the relative honour that way, yet no man hath any warrant that God will accept it, or that He will endure it that way; that He will receive His sacrifices most readily when they are first washed (shall I call it? or fouled) in the *Borborus*, by the pollutions and abominations of images; for that they are called so in scripture is evident, but they are never commended there, not one good word of them is there recorded, but of the worship of them nothing but prohibition and execration and foul appellatives. There is no necessity of it, no advantage by it, no man is helped by it, no command, no licence, no promise, no scripture for it; all the religions that ever God did institute are expressly against it, and to sum up all, it is against the law of nature; of which I need no other witnesses but the testimony of all those wise personages who affirm the two tables of Moses to be moral in every precept excepting that of the sabbath, and to be of the law of nature. So Irenæus[f] expressly, so Tertullian[g], S. Cyprian[h], Origen[i], S. Augustine[k], and generally all antiquity. The sum of all I express in the words of S. Paul[l], ὁ Θεὸς ὁ ποιήσας κόσμον οὐχ ὑπὸ χειρῶν ἀνθρώπων θεραπεύεται· 'God is not worshipped with men's hands,' that is, with the productions of art and imagination.

§ 42. I conclude that the second commandment is a moral and natural precept in the whole body and constitution of it, if the first words of it be relative to the last; that is, if the prohibition of making images be understood so as to include an order to their worship: but if these words be made to be a distinct period, then that period was only obligatory to the Jews, and to Christians in equal danger, and under the same reason; and therefore can also pass away with the reason which was but temporary, transient, and accidental; all the rest retaining their prime, natural, and essential obligation.

OF THE JEWISH SABBATH AND THE LORD'S DAY.

§ 43. There is one instance more in which the rule is more apparently verified, which I mentioned a little above; and that is the

[f] Contr. hæres., lib. iv. capp. 31, 32. [al. 16, 17. pp. 247, 8.]
[g] De idololatr. [cap. iii. p. 87.]
[h] Ad Quirin., lib. iii. cap. 59. [p. 82.] et De exhort. mart., cap. 1. [p. 171.]
[i] Origen. in Exod., hom. viii. [tom. ii. p. 157 sq.]
[k] Lib. xv. contr. Faust., cap. 4, et 7. [tom. viii. coll. 274, 8.]
[l] [Acts xvii. 25.]

precept of the sabbath, which God instituted for many reasons. 1) To be a perpetual memorial of the creation, and that God might be glorified in the works of His hands by the religion of that day. 2) To preserve the memory of their deliverance from the captivity of Egypt, Deut. v. 14, and upon the same account to do ease and remission τοῖς δούλοις λογικοῖς καὶ ἀλόγοις, 'to servants reasonable and unreasonable.' R. Moses Ben Maimon in his *Moreh Nebochim*[m] affirms that the end of the sabbath is, *Septimam vitæ partem homini præstare liberam, et vacuam a labore et defatigatione, tum conservare et confirmare memoriam et fidem creationis mundi*, 'that we should spend the seventh part of our life in ease and rest, and preserve the faith and memory of the article of the world's creation.'

Ἕβδομον ἦμαρ ἦην, καὶ τῷ τετέλεστο ἅπαντα[n]·

because upon the seventh day all things were finished: and therefore according to that of Linus cited by Eusebius[o],

Ἑβδόμη εἰν ἀγαθοῖς, καὶ ἑβδόμη ἐστὶ γενέθλη,
Ἑβδόμη ἐν πρώτοισι, καὶ ἑβδόμη ἐστὶ τελείη.

'The seventh day is the day of the world's nativity, or the feast of its birth, it is the chiefest and most perfect of days.' 3) S. Austin[p] hath another fancy; and he intends to offer at no higher rate: *Dici probabiliter potest, observandum sabbatum Judæis fuisse præceptum in umbra futuri, quæ spiritalem requiem figuraret quam Deus exemplo hujus quietis suæ fidelibus bona opera facientibus arcana significatione pollicebatur:* 'It may be said probably that the precept of the sabbath to the Jews was a type and shadow of the spiritual rest which God by His example did by a secret signification promise to the faithful that did good works.' I acknowledge that there is a fair proportion in the sign, and in the thing signified; but whether this was so intended by God, or so understood by the Jews, is but *probabiliter dictum*, a probable conjecture taken only from the natural similitude of the things.

§ 44. But allowing this, the consequent of all will be, that what was for temporary reasons established cannot pass an eternal obligation. Concerning which it is to be observed that those are to be called temporary or transient reasons, not only when the thing ceases to have a being, such as those laws which were to separate the Jews from the gentiles, and those which related to the tabernacle, or the land of their dwelling, or the manner of their sacrifice, or their addresses to their chief city; for these cease by subtraction of the matter and the natural abolition of the material cause, because the wall of partition is taken down, and the law of ceremonies is abolished,

[m] Part. iii. cap. 43. [p. 470. ed. 4to. Bas. 1629.]

[n] Homer. [So Clem. Alex. (strom., lib. v. cap. 14. p. 713.) and Euseb. (præp. evang., lib. xiii. cap. 12.) read for Τέτρατον ἦμαρ, κ. τ. λ. odyss., ε. 362.]

[o] [Præp. evang., ibid.]

[p] S. Aug. de Genes. ad lit., lib. iv. cap. 11. [tom. iii. part. 1. col. 167 B.]

and the people are exterminated from their country, and their sacrifices are ceased, and their city is destroyed, and their temple burnt; but that reason also is transient and temporal which in a like instance passes into a greater of the same kind. Thus the deliverance of Israel from the Egyptian bondage, though being a matter of fact it is eternally true that it was once done, yet it is a temporary transient reason because all God's people now rejoice in a greater deliverance and from a bondage that was infinitely worse; from the slavery of sin, and the powers of hell. And thus also the great reason of the sabbath, I mean God's rest from the works of the creation, is a temporary transient reason, because there is now a new creation; *vetera transierunt,* 'old things are passed away[q],' and all things are become new; and the gospel is νέα κτίσις 'a new creation,' and our natures are regenerate and reformed, and made with new principles of a new life to higher ends than before; and therefore, though the work of God's creation is to be remembered, and God to be glorified by us in His works, yet when there is a greater reason, the solemnity must relate to that, and the lesser duty can be well served by that day which can also minister to the greater.

§ 45. And therefore we find that something of this very reason is drawn into the observation of the Lord's day, or the first day of the week, by Justin Martyr[r], τὴν τοῦ ἡλίου ἡμέραν κοινῇ πάντες τὴν συνέλευσιν ποιούμεθα, ἐπειδὴ πρώτη ἐστὶν ἡμέρα ἐν ᾗ ὁ Θεὸς τὸ σκότος καὶ τὴν ὕλην τρέψας κόσμον ἐποίησε, καὶ Ἰησοῦς Χριστὸς ὁ ἡμέτερος σωτὴρ τῇ αὐτῇ ἡμέρᾳ ἐκ νεκρῶν ἀνέστη· 'we celebrate conventions or assemblies commonly upon the Sunday, because it is the first day in which God separated the light from the darkness and made the world, and on the same day Jesus Christ our Saviour arose from the dead.' The first of these looks more like an excuse than a just reason; for if any thing of the creation were made the cause of a sabbath, it ought to be the end not the beginning, it ought to be the rest not the first part of the work; it ought to be that which God assigned, not which man should take by way of after justification.

§ 46. But in the precept of the sabbath there are two great things. One was the rest, the other the religion of the day. The rest was in remembrance of their deliverance from Egypt; and therefore they kept their first sabbatic rest upon the very day in which their redemption was completed, that is, as soon as ever Pharaoh and his host were overthrown in the red sea; and this because it was external, ritual, national, relative, and temporary, abused by superstition, and typical of something to come, without all contradiction is so perfectly ceremonial and consequently abrogated, that there can be no greater wonder than to see some Christians such superstitious observers of the rest of that day, that they equal even the greatest follies of the Jews; who, as Munster[s] out of the rabbins observes, thought it un-

[q] [2 Cor. v. 17.]
[r] Apol. ii. [al. i. p. 84 A.]
[s] [In Exod. xx.—Bibl. Hebr. Lat. per Seb. Munster, tom. i. p. 152. fol. Bas. 1546.]

lawful to put an apple to the fire to be roasted upon that day, and would not pour wine upon mustard-seed, nor take a clove of garlic from its skin and eat it: nor thought it lawful to pursue a skipping flea, nor to kill any creeping thing that had variety of sexes, nor to climb a tree lest they break a bough, nor by singing to still the crying of a child, nor to play upon the harp, nor by walking on the grass pluck up a leaf with the shoe. These trifles as they were such which even the Jew was no ways obliged to, so they are infinitely against christian liberty, and the analogy and wisdom of the religion.

§ 47. But the Jews say that Enoch and Noah, Abraham and Jacob kept a festival to God, a memorial of the creation. If so, yet we find no rest observed by them, nor any intermission of their journeys; but it is reasonable to believe that by some portions of their time they did specially serve God, as well as by some actions of their life, and some portions of their estate: and to this it is not improbable that Moses did relate, when to the words in Deuteronomy, "Remember to keep the day of the sabbaths to sanctify it" ὃν τρόπον ἐνετείλατό σοι Κύριος ὁ Θεός σου, 'according as the Lord thy God had commanded thee,' meaning, at the beginning of the world. But in this part of the precept there was nothing of rest, but much of holiness and proper sanctification.

§ 48. Now concerning this the resolutions will be easy. That God should be served and glorified by us is a part of natural and essential religion: this cannot be done with nothing, there must be bodies and gifts and places and time to do it in. The patriarchs did bind themselves or were bound by God to certain circumstances; for that which is indefinite and unlimited shall neither be done constantly nor regularly: but since the day of the creation's ending was afterwards made the rule of fixing a day, it is also probable that that also was the limit and rule for the patriarchs' religious solemnity. This indeed is denied by S. Irenæus and Tertullian and some others, affirming that the patriarchs who kept no sabbath were yet pleasing to God, but because certainly it was so to the Jews, upon a reason which though it can be involved in a greater, yet it cannot totally be forgotten; it is more than probable that the religion of the day must never be forgotten, but God must have a portion of our time for His service, and the blessing which they were both in and before the law to commemorate must also by implication or else expressly be remembered.

§ 49. Upon this or some equal account the primitive Christians did keep the sabbath of the Jews; not only for their compliance with the Jews till the distinction were confessed and notorious, but because the moral religion which was served by that day was not brought into the religion of the Lord's day as yet; therefore the Christians for a long time together did keep their conventions upon the sabbath, in which some portions of the law were read[t]: and this

[t] [Acts xv. 21.]

continued till the time of the Laodicean council[u], which also took care that the reading of the gospels should be mingled with their reading of the law; which was in a manner the first public reasonable essay of uniting the religion of both days into one.

§ 50. At first they kept both days, with this only difference, that though they kept the sabbath, yet it was after the christian, that is, after the spiritual manner: in these exuberancies and floods of religion which overflowed their channels, one day of solemnity was not enough; but besides that they by their sabbath meetings had entercourse with the Jews in order to their conversion, and the Jewish Christians in order to the establishment of their religion, they were glad of all occasions to glorify God; but they did it without any opinion of essential obligation, and without the Jewish rest, and upon the account of christian reasons. Of this custom of theirs we find testimony in Ignatius[x], ἀλλ' ἕκαστος ἡμῶν σαββατιζέτω πνευματικῶς μελέτῃ νόμων χαίρων, οὐ σώματος ἀνέσει, δημιουργίαν Θεοῦ θαυμάζων, οὐχ ἑωλα ἐσθίων καὶ χλιαρὰ πίνων, καὶ μεμετρημένα βαδίζων, καὶ ὀρχήσει καὶ χοροῖς[y] νοῦν οὐκ ἔχουσι χαίρων. That was their way of observation of the sabbath. 'Let every one of us keep the sabbath spiritually, delighting in the meditation of the law, not in the ease of the body, wondering at the works of God, not in indulging to delicious banquets, and softer drinkings or dancings that do not better the understanding.' So that they kept the sabbath not as did the Jews, who as Munster affirmed supposed it to be a keeping of the sabbath if they wore better clothes, or eat more meat, or drank the richest wines. Idleness and luxury and pride are the worst ceremonies of the religion of the sabbath; the proper employment of that day is religion, which the Jews, and from them some of the most ancient Christians, signified by 'meditation of the law.' But then he adds; Καὶ μετὰ τὸ σαββατίσαι ἑορταζέτω πᾶς φιλόχριστος τὴν κυριακὴν, τὴν ἀναστάσιμον, τὴν βασιλίδα, τὴν ὕπατον πασῶν ἡμερῶν· 'After they have kept the sabbath let every one that loves Christ keep the day of the Lord, the day of the memorial of His resurrection, which is the queen and supreme of all other days:' and without further testimony we find it affirmed in general by Balsamo[z], παρὰ τῶν ἁγίων πατέρων ἐξισώθησαν διόλου σχεδὸν ταῖς κυριακαῖς τὰ σάββατα· 'The sabbath day and the Lord's day were almost in all things made equal by the holy fathers;' and some of them called them brethren, so Gregory Nyssen[a]; some, καλὴν τὴν συνωρίδα τοῦ σαββάτου καὶ τῆς κυριακῆς, so Asterius[b], 'an excellent combination or yoke of the sabbath and the Lord's day;' and ἡμέρας ἑορτῶν, so the canon of the apostles[c], the 'feast days,' which Zonaras[d] well ex-

[u] Can. xvi. A.D. 364. [tom. i. col. 783.]
[x] Epist. ad Magn. [interpol. cap. ix. p. 57.]
[y] [al. κρότοις.]
[z] [vid. in concil. sext. in Trullo, can. lv., apud Bevereg. synodic. tom. i. p. 223.]
[a] [De castig., tom. iii. p. 312 D.]
[b] [Hom. v. p. 61. ed. 4to. Antv. 1615.]
[c] [can. liii. (al. lv.); Coteler. patr. apost., tom. i. p. 449.]
[d] [Apud Bevereg. synodic., tom. i. p. 35 D.]

plicates to the present sense, but the constitutions of S. Clement* (which is indeed an ancient book) gives the fullest account of it, τὸ σάββατον μέντοι καὶ τὴν κυριακὴν ἑορταζέτω, ὅτι τὸ μὲν δημιουργίας ἐστὶν ὑπόμνημα, ἡ δὲ ἀναστάσεως· 'let the sabbath and the Lord's day be kept festival; that because it is the memorial of the creation, this of the resurrection:' and therefore whereas it is in the commandment, 'Six days shalt thou labour,' &c., he says that servants are to labour but five days; and upon this account it was in the Greek church especially, and is to this day forbidden to fast upon the sabbath and the Lord's day.

§ 51. The effect of which consideration is this; that the Lord's day did not succeed in the place of the sabbath, but the sabbath was wholly abrogated, and the Lord's day was merely of ecclesiastical institution. It was not introduced by virtue of the fourth commandment, because they for almost three hundred years together kept that day which was in that commandment; but they did it also without any opinion of prime obligation, and therefore they did not suppose it moral. But there was together with the observation of the day a piece of natural religion which was consequently moral; that is, a separation of some time for the glorification of God and the commemoration of His benefits: not that it can be reasonably thought that the assignation of a definite time can be a moral duty, or that an indefinite time can be the matter of a commandment; and therefore I suppose it to be unreasonable to say, that although the seventh day is not moral, yet that one day is, or at least that some time be separate is moral; for that one day in seven should be separate can have no natural, essential, and congenite reason, any more than one in ten, or one in six: for as it does not naturally follow that because God ceased from the creation on the seventh day, therefore we must keep that holy-day, so neither could we have known it without revelation, and therefore what follows from hence must be by positive constitution. Now if it be said that it is moral that some time be set apart for God's service: I say it is true, that it is necessary, naturally necessary that it be so, but this cannot be the matter of a special commandment; because it being naturally necessary that God should be solemnly worshipped, this must suppose a time to do it in as a natural circumstance, and needs not a commandment, which is sufficiently and unavoidably included in the first commandment, in which we are bound to serve God with religion. The fourth commandment enjoined a definite time, but that was ceremonial and abrogated; but an indefinite time is not a duty of this commandment, but supposed in that which commands us to worship God: for we may as well worship God and do no action, as worship Him in no time. The definite time here named is taken away, and the indefinite time cannot be a distinct duty, but yet in imitation of the reasonableness and piety of that law, and in commemoration of a greater benefit than

* Lib. vii. [cap. 23. p. 372.]

was there remembered, a day of more solemn religion was used by the christian church; for as on the Jewish sabbath they remembered the creation and their redemption from Egypt, so on the Lord's day they commemorated the works of God, and their redemption from sin, hell, and the grave: but the first reason was to yield to the second, as the light of a lesser star falls into the glories of the sun, and though it be there yet it makes no show, because a bigger beauty fills up all the corners of the eyes and admiration: and now the Lord's day hath taken into itself all the religion but not the rest of the sabbath; that is, it is a day of solemn worshipping of God and of remembering His blessings, but not of rest save only as a vacancy from other things is necessary for our observation of this; because as the Italians say, *Io non pua cantare et portare la croce*, 'I cannot sing and carry the cross too;' a man cannot at once attend to two things of contrary observation.

§ 52. That we are free from the observation of the sabbath S. Paul[f] expressly affirms, adding this reason; feasts, new moons, and sabbath days, and meats and drinks are but "the shadow of things to come, but the body is of Christ:" where by the way let it be observed that upon the occasion of this and some other like expressions the Christians have supposed that all the rites of Moses were types and figures of something in christianity, and that some mystery of ours must correspond to some rite of theirs: this fancy makes some impertinencies in the discourses of wise men, and amuses and entertains the understandings of many with little images of things which were never intended, and hath too often a very great influence into doctrines; whereas here the word σκιὰ τῶν μελλόντων, 'the shadow of things to come,' means a shadow in respect of the things to come, that is, if these rituals be compared to the τὰ μέλλοντα, 'those things which were to come,' they are but very shadows and nothings: σκιὰ, or shadow, signifies not in relation but in opposition to *corpus*. 'The shadow,' that is, a religion consisting but in rituals and exterior solemnities; but christianity is 'the body,' that is, that durable, permanent, true and substantial religion which is fit for all men, and to abide for all ages: and therefore Hesychius[g] by *corpus Christi* in this place understands the word of 'doctrine;' that is, a religion which consists in wise notions, ἐν ἀληθείᾳ, 'in truth,' not in external rituals that signified nothing of themselves, but something by institution. Others by 'the body of Christ' here understand the christian church: in which sense the word is used by S. Paul to the Corinthians[h]; and in this very place it means so if the words be read as some Greek copies do, that is, with conjunction and reference to the next verse, τὸ δὲ σῶμα τοῦ Χριστοῦ μηδεὶς ὑμᾶς καταβραβευέτω, κ.τ.λ. 'Let no man make a gain of you who are the body of Christ.' However that S. Paul affirms the customs of the Pythago-

[f] [Col. ii. 16.]
[g] [In Levit. cap. xv. fol. 87 B. ed. fol. Bas. 1527.]
[h] [1 Cor. xii. 27.]

reans in abstinence from flesh and wine, and of the Jews in their feasts and sabbaths, to be no fit matters in which men are to be judged, that is, for the not observing of which they are to be condemned, but to be shadows and umbrages, not substantial parts of religion, is evident by the antithesis however it be understood: but in order to other purposes I observed here that he does not mean they are types and figures, for the Pythagorean vanities did never pretend to this; but they and the other too are but shadows, empty and unprofitable in respect of the religion which Christ brought into the world. They were ineffective and insignificative; but only present entertainments of their obedience, and divertisements and fixings of their thoughts apt to wander to the gentile customs, but nothing of natural religion.

§ 53. Now although the primitive Christians did also meet publicly upon the Jewish sabbaths, yet that they did not by virtue of the fourth commandment appears because they affirmed it to be ceremonial and no part of the moral law, as is to be seen in Irenæus, Tertullian, Origen, S. Cyprian, and others before quoted (numb. 41). And in the council of Laodicea[i], the observation of the Jewish sabbath, which till that time had continued amongst Christians, was expressly forbidden: *Non oportet christianos judaizare et in sabbato vacare, sed operari eos in eadem die, dominicam præponendo eidem diei. Si hoc eis placet, vacent tanquam christiani, quod si inventi fuerint judaizare, anathema sint,* 'Christians must not keep the rest of the sabbath, but work upon that day, preferring the Lord's day before it. If they will rest on that day let them rest as Christians, but if they rest as Jews let them be accursed:' that is, if they will keep the day holy, let them sanctify it as Christians should sanctify their day, that is, only with such a rest as ministers to the opportunities of religion, not so as to make the rest to be the religion of the day.

§ 54. The Jewish sabbath being abrogated, the christian liberty like the sun after the dispersion of the clouds appeared in its full splendor; and then the division of days ceased, and one day was not more holy than another, as S. Paul disputes in his epistle to the Galatians[j], and from him S. Hierome[k]; and when S. Paul reproved the Corinthians for going to law before the unbelievers, who kept their court days upon the first day of the week, he would not have omitted to reprove them by so great and weighty a circumstance as the profaning the Lord's day, in case it had been then a holy day, either of divine or apostolical institution; for when afterward it grew into an ecclesiastical law, and either by law or custom was observed together with the Jewish sabbath, Constantine made a favourable edict that the Christians should not be impleaded on those two festivals[l].

[i] Can. 29. [tom. i. col. 786. vers. Isid. Mercat.]
[j] [Gal. iv. 10.]
[k] In hunc locum. [tom. iv. part. 1. col. 271.]
[l] Apud Euseb. [vit. Constant., lib. iv. cap. 18.]

Of which I only make use to this purpose, that among the gentiles these were law-days; and therefore the Corinthians must needs have been profaners of that day by their law-suits, and therefore have been upon that account obnoxious to the apostolical rod, if the day had then in any sense of authority been esteemed holy.

§ 55. But although there was no holiness in any day, yet they thought it fit to remember the great blessings of God which were done upon certain days. An action cannot be separated from time; it must be done some day or other, and most properly upon the anniversary, or the monthly or weekly minds[m], but yet this they did with so great indifferency of observation, that it cannot look less than that there was a providence in it. For although all the christian church that kept the sunday festival, did it and professed to do it in remembrance of the resurrection of our Lord, yet that the day of its memory was not more holy than any day, and was not of necessary observation, it appears by the eastern churches and all the disciples of S. John, who kept the feast of the resurrection of our Lord, I mean the anniversary, the great, the prime feast, and that which was the measure of all the rest, not upon that day of the week on which Christ did rise, but on the day of the full moon, whenever it should happen. Now this must needs be a demonstration that the day of the resurrection was not holy by divine or apostolical institution. The memory of the blessing was to be eternal; and though the returning day was the fittest circumstance, yet that was without obligation; for if the principal was mutable, then the less principal could not be fixed, and this was well observed by S. Austin[n], *Hoc in eis culpat apostolus, et in omnibus qui serviunt creaturæ potius quam Creatori. Nam nos quoque et dominicum diem et pascha solenniter celebramus; . . sed quia intelligimus quo pertineant, non tempora observamus, sed quæ illis significantur temporibus:* 'he first esteemed it to be a serving the creature more than the Creator to observe any day as of divine institution; but then if it be objected that we also observe the Lord's day and the feast of Easter, he answers, it is not the day we keep, but we remember the things done upon that day.' For the day is indifferent, and hath no obligation. God himself declared His dislike of the religion or difference of days by an evangelical prophet[o]: and what God the Father did then sufficiently declare, His holy Son finished upon the cross, and His apostles published in their sermons; only such days are better circumstanced, but not better days. The same is affirmed by S. Hierome upon the fourth chapter to the Galatians[p].

§ 56. But now that we are under no divine law or apostolical canon concerning the Lord's day, we may with the more safety enquire concerning the religion with which it was accidentally invested.

[m] ['Month's mind.—A celebration in remembrance of dead persons a month after their decease.'—Nares's Glossary.]

[n] Contr. Adam. Man. c. 16. [tom. viii. col. 135 E.]

[o] [Isa. lxvi. 23.]

[p] [ubi supra.]

S. Cyprian[q] and S. Austin[r] suppose that because circumcision was commanded to be on the eighth day, it did typically represent the Lord's day, which is the eighth from the creation. The council of Foro-Julium[s] saith that Isaiah prophesied of this day; and that the Jewish sabbath was the type of this day was the doctrine of the fathers in the council of Matiscon[t]. 'This is the day which the Lord hath made,' said the psalmist, as he is expounded by Arnobius[u] and divers others: *Exultemus et lætemur in eo, quia lumine vero nostras tenebras fugaturus illuxit; nos ergo constituamus diem dominicum in confrequentationibus usque ad cornua altaris:* 'Let us rejoice and be glad in it, because the Sun of righteousness dispersing the clouds of darkness hath on this day shined upon us; let us therefore keep the Lord's day in solemn assemblies even unto the horns of the altar.' Upon this day Christ finished the work of our redemption which was greater than the cessation from creating the world, on this day He rose again for our justification, and therefore this is called by S. Ignatius 'the queen of days;' upon this day Christ twice appeared to His apostles after the resurrection, upon this day S. Paul[x] appointed the collection for the poor, and consequently enjoined or supposed the assemblies to be upon this day; upon this day the Holy Ghost descended upon the apostles, and on this day S. Peter preached that operative sermon which won three thousand souls to the religion; on this day S. John was in ecstasy and saw strange revelations[y]: so that it is true what Justin Martyr said, 'our B. Lord himself changed this day;' that is, by annulling the sabbath and by His resurrection and excellent appearances and illustrations upon that day; not by precept, but by indigitation and remarking that day by signal actions and a heap of blessings; so that it is no wonder that S. Cyprian and S. Leo, S. Ignatius and S. Austin, the councils of Laodicea, Matiscon, and Foro-Julium, of Palestine and Paris[z] speak so much of the advantages and prerogatives of this day, the celebration of which was so early in the christian church that it was, though without necessary obligation or a law, observed in all ages and in all churches. It is true that Socrates[a] said, Σκοπὸς μὲν οὖν γέγονε τοῖς ἀποστόλοις οὐ περὶ ἡμερῶν ἑορταστικῶν νομοθετεῖν, 'it was the purpose of the apostles to make no laws concerning festival days;' but it is also very probable what one said, that it descends from apostolical institution, *servata tamen libertate christiana;* that is, the apostles did upon the Lord's day often meet, break bread, and celebrate the memory of Christ, and by their practice recommended the day as the most fitted for their

[q] Ad Fid. epist. lix. [al. lxiv. p. 161.]
[r] Ep. cxix. ad Januar. [al. lv. tom. ii. col. 137 A.]
[s] Can. xiii. [tom. iv. col. 861.]
[t] Can. i. [tom. iii. col. 460.]
[u] In Psal. cxvii. [p. 335. ed. 8vo. Bas. 1560.]
[x] [1 Cor. xvi. 2.]
[y] [Apoc. i. 10.]
[z] [Concil. Paris. vi. lib. i. can. 50. tom. iv. col. 1325, 6.]
[a] [Hist. eccles., lib. v. cap. 22. p. 292.]

synaxes or conventions; but they made no law, imposed no necessity, but left the church to the christian liberty, and yet (that I may use the words of the fathers in the council of Matiscon[b]) *justum est ut hanc diem celebremus per quam facti sumus quod non fuimus,* 'it is fit we celebrate this day because of the blessing of the resurrection happening on this day, by which we became that which before we were not.'

Quest.

And now if it be enquired how we are to celebrate this day?

§ 57. I answer, that we are sufficiently instructed by those words of the Laodicean council[c], *vacent tanquam christiani;* there is a certain rule and measure by which Christians keep their festivals. The Jewish manner was a perfect rest; the christian manner is an excellent religion and devotion, but no rest excepting such a rest as ministers to religion. Abstinence from such works, which if we attend to we cannot attend to the religion that is commanded, is essentially necessary when the keeping of the day religiously and solemnly becomes necessary. There are also some corporal works which are proper celebrations of the day, or permitted in all religions upon their festivals: such as are acts of public or private benefit, works of necessity, little things, and unavoidable; which are sometimes expressed in this verse,

Parva, necessarium, res publica, res pia fratri[d].

Among the old Romans[e] in their most solemn festivals some things were specially permitted,

Quippe etiam festis quædam exercere diebus
Fas et jura sinunt: rivos deducere nulla
Religio vetuit, segeti prætendere sepem,
Insidias avibus moliri, incendere vepres,
Balantumque gregem fluvio mersare salubri[f].

It was lawful to turn the water lest it might do mischief, or that it might do good; to stop a gap in a hedge to prevent a trespass, to lay snares for birds, to water the cattle, to burn weeds: and no religion forbids things of this nature.

§ 58. But besides the laws and practices of heathens in the natural religion and observation of festivals, we may be instructed by the same religion amongst the Jews and Christians. Reading and meditating the law was the religion of the Jews upon their feasts and sabbaths: "Moses of old hath them that preach him in every city, being read in the synagogues every sabbath day," said S. James[g]. They met εἰς ἱεροὺς τόπους, as Philo[h] calls their synagogues, and they heard Moses and the prophets read and expounded: there they

[b] [ubi supra.]
[c] [p. 460. supra.]
[d] [Parva, necessarium, respublica, cum pietate,—
Calvör. de rit. eccles., part. ii. sect. ii. cap. 7. p. 239, ed. 4to. Jenæ, 1705.]
[e] Macrob. [saturn., lib. iii. cap. 3.]
[f] [Virg. georg., lib. i. 268.]
[g] [Acts xv. 21; vid. Acts xiii. 14, 27, 44; Luke iv. 16, 31 et xiii. 10.]
[h] ['Liber quisquis virtuti studet,' tom. ii. p. 458, ed. Mangey.]

did all the actions of natural religion; there they taught piety and holiness, justice and government, economical and political affairs, and the measures of things good and bad and indifferent; and though in their synagogues the exposition and meditation of the law was their principal employment, yet in their tabernacle and in their temple which were their places of worship, they offered sacrifice and sung hymns and praises and glorifications of God. This was the duty and the religion of their sabbath; not as it was a special separate feast, but because this was the employment fitted for all spiritual and religious feasts whatsoever.

Sancta dies oritur, linguisque animisque favete,
Hoc dicenda bono sunt bona verba die[i].

All holy days are days designed for holy offices, for the celebration of the divine name and the divine attributes, for charitable and holy discourses. That rest which God superadded, being only commemorative of their deliverance from the Egyptian servitude, was not moral, nor perpetual; it could be dispensed with at the command of a prophet, it was dispensed with at the command of Joshua, it was broken at the siege of Jericho, it always yielded when it clashed with the duty of any other commandment; it was not observed by the priests in the temple, nor in the stalls by the herdsman, nor in the house by the *major domo;* but they did lead the ox to water, and circumcised a son, that is, it yielded to charity and to religion, not only to a moral duty but to a ceremonial, and therefore could not oblige us. But that which remained was imitable; the natural religion which was used upon the Jewish festivals was fit also for the holy days of Christians.

§ 59. And this also plainly was the practice of the Christians, and bound upon them by the command of their superiors. 1) It was not σώματος ἀνέσει as S. Ignatius[j] expressly affirms, the rest of the body is no essential duty of the christian festivals, that was a judaical rite; but 'the Christian is bound to labour, even upon that day,' says that holy martyr; for then there had been no positive inhibition. And the primitive Christians did all manner of works upon the Lord's day, even in the times of persecution, when they are the strictest observers of all the divine commandments; but in this they knew there was none: and therefore when Constantine the emperor had made an edict[k] against working upon the Lord's day, yet he excepts and still permitted all agriculture or labours of the husbandman whatsoever: for 'God regardeth not outward cessation from works more upon one day than another,' as S. Epiphanius[l] disputes well against the Ebionites and Manichees.

§ 60. Thus far was well enough when the question was concerning

[i] [Prospera lux oritur, linguisque animisque favete;
Nunc dicenda bono sunt bona verba die.—Ovid. Fast., lib. i. 71.]

[j] Ep. ad Magnes. [p. 457 supra.]

[k] L. 'Omnes' C. de feriis. [Cod. Justin., lib. iii. tit. 12. l. 3. col. 193.]

[l] [Hæres. xxx. § 32; et lxvi. § 82. pp. 158, 702.]

the sense and extent of a divine commandment; labour is a natural duty, but to sit still or not to labour upon a whole day is no where by God bound upon Christians.

§ 61. 2) It was not *ἀνέσει σώματος*, but it is *μελέτῃ νόμου*, and *δημιουργίαν Θεοῦ θαυμάζων*, so the same father[m]. The meditation and exercise of the word of God, and admiring the works of God, that was the work of christian festivals: and that they might attend this, they were commanded to abstain from servile works more or less, these or others respectively in several times and places. This we find in Justin Martyr[n] speaking of the christian sabbath and *synaxes*; 'The citizens and countrymen are assembled together, and first are read the scriptures of the prophets and apostles, then the priest or president makes a sermon or exhortation to them to practise what they heard read, then all go to prayers, after this they receive the holy eucharist, then they give alms to the poor: this is the manner of the christian festivity.' Now what cessation from the secular works is necessary in order to the actions of religion, all that we may suppose to be accidentally the duty also of the day. To this purpose is that saying of S. Gregory[o], *Dominicorum die a labore terreno cessandum est, atque omni modo orationibus insistendum, ut si quid negligentiæ per sex dies agitur per diem resurrectionis dominicæ precibus expietur:* 'on the Lord's day we must cease from worldly labour, and by all means persevere in prayer; that whatsoever in the six days was done amiss may be expiated by the prayers of the seventh, the day of the Lord's resurrection.' In the synod at Tours[p] in France the religion of this day was also strictly enjoined; *Oportet Christianos in laude Dei et gratiarum actione usque ad vesperam perseverare,* 'Christians must persevere in praising God and giving thanks to His holy name until the evening;' that is, until the evening song be finished, for then the ecclesiastical solemnity is over. They who were tied to this long office, could less be permitted to do any secular business, and according as the piety of the church increased, so the prohibitions of labour were the more strict, for that which was wholly relative must increase and diminish according to the diminution or enlargement of the correspondent. Constantine[q] forbad all labour but the labours of husbandry, but affirms the Lord's day to be the fittest for dressing or setting of vines, and sowing corn. Leo and Anthemius emperors[r] forbad all public pleasures, vexatious suits or actions, arrests, and low-days, appearances in courts, advocations and legal solemnities on the Lord's day. The third council of Orleans[s] permitted waggons and horses and oxen to travel upon sundays, but forbad all husbandry that the men might come to church. In an old

[m] [ibidem.]
[n] Apol. ii. [al. i. p. 83 D.]
[o] Lib. xi. epist. 3. [tom. ii. col. 1214 C.]
[p] [Concil. Turon. iii. can. 40. tom. iv. col. 1018.]
[q] L. 'Omnes,' 3. Cod. de feriis. [not. k, supra.]
[r] [ibid. l. 11. col. 195.]
[s] [Can. xxviii. tom. ii. col. 1428.]

synod held at Oxford[t] I find that on the Lord's day *conceduntur opera agriculturæ et carrucarum*, and I find the like in an old injunction of queen Elizabeth[u], "Corn may be carried on sundays when the harvest is unseasonable and hazardous." In these things there was variety, sometimes more sometimes less was permitted; sometimes fairs and markets, sometimes none. In which that which we are to rely upon is this,

1) That because it was a day of religion, only such things were to be attended to which did not hinder that solemnity which was the public religion of the day.

2) Nothing at all to be admitted which was directly an enemy to religion, or no friend.

Of the first I have already produced sufficient witness. Of the second there is the less doubt, not only because natural reason does abhor all irreligious actions especially upon a day of religion; but because all the pious men and lawgivers of the christian church have made complaints and restraints respectively of all criminal or scandalous actions upon that day. Witness S. Ignatius in his epistle to the Magnesians[v], Tertullian, *apolog.*[w], *cap.* xlii., S. Gregory[x] in his epistle to Augustine archbishop of Canterbury, and S. Augustine bishop of Hippo, in his sixty-fourth epistle to Aurelius[y], the twenty-third canon of the council of Toledo[z], the edict of Leo and Anthemius, all which complain of and forbid the evil usages of the profaner men who spend the Lord's day, which by the church of God and in imitation of God himself and in celebration of the greatest mystery of our redemption was appointed for the solemn service of God, in riotous eating and immoderate drinkings, vain feastings, and wanton dancings, enterludes and songs, as if they intended to verify the scoff of Rutilius[a],

> Septima quæque dies turpi damnata veterno,
> Tanquam lassati mollis imago Dei:

and that the rest of the day did represent God to have been weary, but therefore was designed for wine and the licentiousness of his servants.

3) The rest of the day was so wholly for the ends of religion, so merely relative to the public services of the church, so nothing of the proper and absolute duty of the day, that the fathers of the church affirm it to be better to work than upon that day to be idle and do nothing. So S. Austin[b] expressly, *Melius faceret . . in agro*

[t] [A.D. MCCXXII. can. 8. Harduin., tom. vii. col. 117.]

[u] ["All parsons vicars and curates shall teache and declare unto their parishioners, that they maie with a safe and quiet conscience, after their common prayer in the tyme of harvest labour upon the holie and festivall daies, and save that thyng whiche God hath sent." —Injunctions given by the Queene's Majestie, the first yere of the raigne of our soveraigne Lady Queene Elizabeth, § 20. 4to. A.D. 1559.]

[v] [cap. ix. p. 20.]

[w] [p. 33, 4.]

[x] [? 'ad Romanos,' cited above.]

[y] [al. epist. xxii. tom. ii. col. 28.]

[z] [Gratian. decret., part. 3. de consecr., dist. iii. can. 2. col. 2139.]

[a] In Itinerar. [lib. i. 391.]

[b] L. De decem chordis, c. 3. [vid. tom. v. col. 50 C.]

suo aliquid utile quam si in agro otiosus existeret: et melius fœminæ eorum die sabbati lanam facerent quam quæ tota die in neomeniis suis publice saltarent: 'to do something that is profitable in the field is better than to sit there idle, and to spin is better than to dance.'

4) In those places where the offices of the church are not expensive of the whole day, it is lawful to do (upon just cause) any work that is not forbidden by our superiors, or scandalous to our brethren, in those portions of the day which are unemployed: and to deny this is called perverseness and contrary to faith, *cap. 'Perven.' de consecr. dist.* 3[c]. *Quidam perversi spiritus homines prava inter vos aliqua et sanctæ fidei adversa seminarunt, ita ut die sabbati aliquid operari prohiberent.* They that forbid all manner of work as unlawful by divine law upon the sabbath are *prædicatores antichristi,* 'preachers of antichrist;' 'for he, when he comes,' says S. Gregory, *diem sabbati atque dominicum ab omni faciet opere custodiri,* 'shall forbid all working upon the sabbath and the Lord's day.'

5) The Lord's day being set apart by the church for religion ought to be so employed as the laws of the church enjoin, and no otherwise; and although it were an act of piety (not only to attend to public offices, but even) to attend to especial and more frequent private devotions on that day than others, yet this is without all obligation from the church; concerning whose intention to oblige we can no ways presume but by her words and laws when she hath declared herself.

6) The question concerning particular works or permitted recreations is wholly useless and trifling; for *quod lege prohibitoria vetitum non est, permissum intelligitur,* says the law: 'all that is permitted which in the negative precept is not forbidden:' but as for some persons to give themselves great liberties of sport on that day is neither pious nor prudent, so to deny some to others is neither just nor charitable. The ploughman sits still in the church and the priest labours, and the wearied man is permitted to his refreshment, and others not permitted because they need it not[d]; and there is no violation of any commandment of God, even when there is a profanation of the day indulged upon pious and worthy considerations.

§ 62. I end this with the words of Gerson[e], *Quilibet eo die abstineat ab omni labore aut mercatione aut alio quovis laborioso opere secundum ritum et consuetudinem patriæ, quam consuetudinem prælatus spiritualis illius loci cognoscens non prohibet; quod si apud aliquem super tali consuetudine . . . dubietas occurrat, consulat ille superiores:* 'upon the Lord's day we are to abstain from all merchandizes or other laborious work according to the custom and law of the country, provided that the bishop knowing of any such custom do not condemn it; and if there be any doubt concerning it, let him

[c] [Can. 12. col. 2141. e Gregorio, lib. xi. epist. 3, (al. lib. xiii. epist. 1. tom. ii. col. 1213.)]

[d] Gloss. ordinar. [in Matt. xxviii.]

[e] In Decal. [tom. ii. col. 263 F.]

enquire of his superiors.' In all these cases, custom and the laws, the analogy of the commandment and the designs of piety, christian liberty and christian charity, are the best measures of determination.

§ 63. I have now done with the two great exceptions which are in the decalogue, and are not parts of the moral law. All the rest are natural precepts of eternal obligation; and are now also made christian by being repeated and renewed by Christ; and not only left in their prime natural necessity, but as they are expounded into new instances of duty, so they put on new degrees of obligation.

§ 64. As a supplement to this rule, and in explication of many emergent questions concerning the matter of the divine laws, and their respective obligations, it will be useful to enumerate the signs and characteristics by which we can without error discern which precepts are moral, and which are not: for this is a good and a general instrument and rule of conscience and useful in many particulars.

THE MEASURES OF DIFFERENCE TO DISCERN BETWEEN MORAL PRECEPTS AND PRECEPTS NOT MORAL IN ALL THE LAWS OF GOD.

§ 65. 1) All moral laws are such whose prime and immediate measures are natural reason: but of precepts not moral the reasons may be economical or political, some emergency of state or accident, a reason that passes away or that is introduced by a special blessing or a special caution, a personal danger or the accidents of conversation. That we should obey our parents is a moral law. This we know, because for this we naturally and by our very creation and without a tutor have many reasons, and see great necessities, and find abundant usefulness. For whoever is in need cannot be relieved but upon such conditions as they who are to relieve them will impose upon them. Love and obedience are but gratitude and necessity; because all children are imperfect and helpless persons, living upon the love and care of parents and nurses: they derive their natures and their birth, their education and maintenance from them; that is, they owe to them all that for which any man can be obeyed and loved, they have on them all the marks and endearments of love and fear, they are in respect of their children useful and powerful, better in themselves, and beneficial to their decendants; and therefore the regal power is founded upon the paternal.

Αὐτὰρ ἐγὼν οἴκοιο ἄναξ ἔσομ' ἠμετέροιο[f].

And unless where God did speak by express voice, He never did speak more plainly, or give power to one man over another so plainly as to parents over their children; their power is the fountain of all other, and the measure of all other; it hath in it the end and usefulness of all government, it hath love and it hath caution, it is for

[f] [Hom. odyss. α. 397.]

the good of the subjects, and though it keeps the honour in itself yet the advantage ever passeth on to others. And then if we consider that children are a part of their parents, that the parents are blessed and cursed in them, that there is in them toward their children a natural affection, that the little image of immortality in which men desired to last for ever is supplied to them by succession, which preserves their name and memory; their parents are more wise, and more powerful, and before in time, and useful in all regards; that children cannot at first understand, nor do, nor speak, and therefore naturally they must be in the possession of them that can; that no man will quit his interest without just reason; and these reasons of subjection being prime and natural, and some of them lasting, and all of them leaving an obligation and endearment behind them, they cannot pass away without leaving indelible impressions; it must necessarily and naturally follow that children must pay to their parents the duties of love and obedience,

> Ὅστις δὲ τοὺς τεκόντας ἐν βίῳ σέβει,
> Ὁ δ' ἐστὶ καὶ ζῶν καὶ θανὼν θεοῖς φίλος[s].

It is the voice of nature: he that honours his parents is dear to God. Now when there is so much prime and natural reason; or if there be but any one that is so, which by nature we are taught, it is God's mark upon an eternal precept: and whatsoever God hath commanded that is naturally reasonable, that is, if it be naturally known, or if it be a reason that is not relative to times and persons, a reason that will not pass away with the changes of the world, a reason that enjoins a thing that is perfective of our nature, and which cannot be supplied by something else; all that is to be confessed to be a part of the moral law. But on the other side if we take the instances of circumcision, and enquire whether this can be an eternal law; besides the ways of discovering this by the lines and measures of revelation, we can also tell by the causes of its injunction: it was appointed as a mark of a family, a separation of a people from other nations, the seal of a temporary covenant, a violence to nature, not naturally apt to signify or to effect any thing beyond the wound made by the sharp stone, a rite for which no natural reason can be given; and therefore it was never written in our hearts, but given in tables that could perish.

§ 66. 2) That of which no reason can be given is not a moral precept. Because all moral laws being also natural are perfective of human nature, and are compliances with our natural needs, and with our natural and measured appetites; they are such in which all mankind feels a benefit, and where he sees his way; they are and have been found out by the heathen, drawn into their digests of laws, and there was never any law pretended to be moral, but they that did pretend it offered at a reason for it, derived from the fountains

[s] Eurip. [Heraclid. apud Stob. floril., tit. lxxix. 2.]

of nature. For every moral law being natural, either it must be naturally consonant to the understanding, or only to the natural desires: if to the understanding, then there is a discernible reason; if only to the desires, then the measure might be this, that whatsoever we naturally desire shall become a natural duty, which if it could be admitted, would infer all the mischiefs and disorders of the world. Upon this account all sacraments and sacramentals are excluded from being moral laws, because they depending wholly upon divine institution, whose reasons are very often secret and unrevealed, we can neither naturally know, nor naturally consent to them, and therefore can stand bound to them no longer than to the expiration of that period for which they were invented.

§ 67. 3) The consequents of natural reason are no indications of a moral commandment. For moral laws are few, and founded upon prime reason, such as appears so to all discerning persons; but when once men begin to argue, and that their art or observation is also to be relied upon, it is so often deceived and always so fallible, that God's wisdom and goodness would never put our eternal interest upon the disputations of men. It is said by some men to be of the law of nature that spiritual persons should be exempt from secular jurisdiction; but because they infer this from some proportions of nature, the natural distinction of spiritual and temporal, by two or three remote and uncertain consequences, it is to be despised; though we had not α) so many precedents in the Old testament to the contrary, and β) the example of our blessed Lord, who being the head of all spiritual power was yet subject to the civil magistrate, and γ) the express words of S. Paul[h] speaking of the secular magistrate, and commanding 'every soul to be subject to them;' that is, priests and monks, apostles and evangelists and prophets (as S. Chrysostom[i] thence argues), and all this, δ) besides the notoriety of the thing itself; spirituality being a capacity superadded to persons, who by a former, that is, a natural duty are subordinate to secular superiors. But besides all this, if the deduction of consequents shall be the measure of moral duties, then the wittiest disputant shall be the lawgiver, and logic will be the legislative, and there will be no term or end of multiplication of laws; for since all truth depends upon the prime and eternal truth, and can be derived from thence and return thither again, all actions whatsoever that can be in any sense good or useful will be in all senses necessary and matter of duty. There is a chain of truths, and every thing follows from every thing if we could find it out: but that cannot be the measure of laws, for besides that a thing is reasonable, there must be a divine commandment; and if a good reason alone is not sufficient to make a moral law, a bad one is not sufficient to declare it. That all who are obliged by a law should at least by interpretation consent to it, is said by many to be of the law of nature; yet this is so far from being a moral com-

[h] [Rom. xiii. 1.] [i] In hunc locum. [hom. xxiii. tom. ix. p. 686.]

mandment, that in some very great communities of men, the clergy who are not the ignoblest part of the people, have no vote in making laws, nor power to choose their representatives. Indeed it is very reasonable and full of equity that all states of men who are fit to choose for others, should at least be admitted to choose for themselves; yet because this relies not upon any prime natural reason that necessarily infers it, but is to be trusted to two or three consequences and deductions, men have leave to use their power, and may choose whether they will in this thing use the absolute power of a prince, or the more compliant posture of a father. This is better, but that is not evidently against a moral commmandment.

§ 68. 4) A law that invades the right of nature is not always the breach of a moral commandment. By the law of nature no man is bound to accuse himself, but because it is not against the law of nature if he does, and only against a privilege or right of nature, *α*) the complicated necessities of men, *β*) the imperfection of human notices, *γ*) and the violence of suspicion, *δ*) and the dangers of a third person, *ε*) or the interest of the republic, *ζ*) or the concerns of a prince, may make it reasonable that a man be asked concerning himself, and tied to give right answers. A natural right is no indication of a moral law: but of this I have already spoken upon another occasion.

§ 69. 5) Every consonancy to natural reason is not the sufficient proof of a moral law; for as we say in natural philosophy that *τὰ φυσικὰ* and *τὰ κατὰ τὴν φύσιν*, 'things natural' and 'things according to nature' are not all one; it is according to nature that they who have the yellow jaundice should look of a yellow colour, but this is not a natural affection, but preternatural all the way; so it is in moral instances: it is consonant to nature that we should not boil a kid in her mother's milk, but this makes no moral law, for it is not against a natural law if we do[k]. There are some little rationalities and proportions and correspondencies of nature which are well and decent and pretty, but are not great enough to establish a commandment, or to become the measure of eternal life and death. Nothing less than the value of a man or the concernment of a man is the subject of moral laws; and God having given to a man reason to live justly and usefully, soberly and religiously, having made these reasonable and matters of conscience by a prime inscription, hath by such prime reasons relating to God or man bound upon us all moral laws. Man only is capable of laws, and therefore to man only under God can moral laws be relative.

§ 70. 6) When God gives a law and adds a reason for it, it is not always the signification of a moral law, though the reason be in itself eternal; unless the reason itself be proper, relating to the nature of the thing, and not matter of empire. For example, when God commanded the people of Israel to give the first-born to Him or to re-

[k] Vid. Aquinat. 1. 2ᵃᵉ. quæst. xcv. art. 2. [tom. xi. fol. 205 b.]

deem it, He adds this reason, "I am the Lord[1]." Now although this reason be eternal, yet it is not a proper reason for this, but a reason by which He does or might enjoin all commandments: and it is also matter of empire and dominion, by which He can remonstrate His absolute supreme legislative power, which is reason sufficient for our obedience, but yet it is extrinsical to the nature of the precept; and therefore upon this account it cannot be called moral, whose reason is always natural proper and immediate. But yet even this very reason although it is a matter of empire, yet when it is put to a commandment as a proper reason, and refers to the matter of the law, it is a certain token of morality: for thus this is the preface or the reason affixed to the first commandment, and something like it is in the second: for here when God says, "I am the Lord," it is a proper, natural, essential reason, inferring that therefore we must have no other gods, nor to any other thing that is not God give divine honour.

§ 71. 7) When God in the Old testament did threaten the heathens or punish them for any fact, it is not a sufficient argument to conclude that fact to be done against a moral commandment, unless other things also concurred to the demonstration. This I made to appear in the instance of some marriages; and it relies upon this reason, because the nations were obliged by the precepts of Noah, all the instances or particulars of which were not eternal in their obligation.

§ 72. 8) All the instances or pursuances of a moral law are not as moral or necessary as their fountain; but that moral law is only to be instanced in those great lines of duty, which are named or apparently designed in the letter or analogy of the law. That those who minister at the altar should be partakers of the altar, is a moral law, and a part of natural and essential justice and religion: in pursuance of this, the priests did eat of the sacrifice, and were maintained by tithes and offerings; and thus this moral law amongst them was instanced and obeyed: but though these were the ways in which the Jews did obey a moral law, yet these instances are not moral and eternal, because the commandment can be performed without them; and though the ox be muzzled when he treads out the corn, yet if he eats his fill before and after his work there is no breach of the commandment. Thus also it is commanded that we should rise up to the grey head, which is a pursuance of the fifth commandment; but yet this expression of reverence to old men is neither necessary at all times, nor yet to be done by all persons: another expression may do all the duty that is intended, and he that with civil circumstances gives an alms to an old beggar hath done more regard to him than he that gives him a compliment. For although moral commandments are sometimes signified with the investiture of circumstances or particular instances, yet because great

[1] [Num. iii. 12, 13.]

reason is their measure, prime, natural, essential and concreated reason, it is easy to make the separation.

§ 73. 9) The strong, violent, and firm persuasions of conscience in single persons, or in some communities of men, is not a sufficient indication of a moral law. The weak brother of whom S. Paul speaks durst not eat flesh, but thought it an impiety next to unpardonable, but he was abused: and there are at this day some persons, some thousands of persons against whose conscience it is to dress meat upon the Lord's day, or to use an innocent permitted recreation. Now when such an opinion makes a sect, and this sect gets firm confidents and zealous defenders, in a little time it will dwell upon the conscience as if it were a native there, whereas it is but a pitiful inmate and ought to be turned out of doors.

§ 74. 10) The consonant practices of heathens in a matter not expressly commanded by God to them, is no argument that what they did in that instance was by the light of nature, or a duty of a moral commandment. The heathens paid tithes to Hercules, they kept the seventh day sacred, they forbad their holy persons to make second marriages; but it will be too great an easiness upon this account to suppose these to be matter of essential duty: not only because (as Tertullian observes) the devil was willing to imitate the severity or customs and rites of God's church, to make his own assemblies the more venerable, symbolical, alluring and persuasive; but because the nations to whom God commanded tithes, sabbaths, and the like, had entercourse with many others, and were famous in the world by blessing and miracles, by the laws and oracles of God, by excellent government and the best learnings. The Phœnicians conveyed many Hebrew customs into Greece, and some learned persons went to school in Palestine, and taught their own nation some mysteriousnesses which themselves learned under the Jewish doctors: and when the judaizing Christians did pertinaciously retain circumcision, they might upon this ground have pretended it to be consonant to the law of nature; because even the gentiles, the Egyptians, the Arabians, all the nations that descended from Ishmael and Esau, and divers other nations their neighbours did use it. But consent is no argument when it is nothing but imitation.

§ 75. 11) The appendent penalty of temporal death imposed by God almighty upon the breakers of a law, does not prove that law to be of eternal obligation. I instance in the gathering sticks upon the sabbath, the omitting circumcision, the approaching a wife *in diebus pollutionis;* all which were made sacred by the greatest penalty, but yet had not the greatest obligation; they were not moral.

§ 76. 12) When two laws are in conflict and contest, and call for an impossible obedience, one must yield to the other; but that which must yield is not moral and eternal. The observation of the sabbath, and doing acts of charity, did often interfere in the actions and occurrences of our blessed Saviour's life; but the sabbath was always

made to yield to charity. Thus sacrifice and mercy, the outward work and the inward, the letter and the spirit, do often make contrary pretensions; but sacrifice, and the outward work, and the letter, are to yield and to comply, and therefore are but the expressions or instances, or significations of a moral duty, but of themselves have no morality. This holds in all instances and hath no exception.

§ 77. 13) By the not considering of these measures a great part of mankind have been deceived, but they could only be secured by the first; which because it is also possible to be mistaken in the application, by reason of the miscarriages and confidence of some men, therefore the last resort of all moral laws is to the scriptures of the New testament, in which whatsoever is commanded to all mankind is either moral in its nature or is so by adoption; which last clause I put in by reason of the sacraments, and some glorious appendages of morality and heroical acts of charity commanded by Christ; the observation of which although it be not moral, or of prime natural necessity, yet because they are commanded by Christ whose law is to oblige us as long as the sun and moon endures, to us Christians and to all to whom the notice of them does arrive, it is all one in respect of our duty, and hath no real difference in the event of things. But if from the Old testament men will (as it is very often attempted in several instances) endeavour to describe the measures of moral laws, the former cautions are of necessary observation.

RULE VII.

THERE IS NO STATE OF MEN OR THINGS BUT IS TO BE GUIDED BY THE PROPORTION OF SOME RULE OR PRECEPT IN THE CHRISTIAN LAW.

§ 1. THAT is, where there is no law to restrain us we may do what we please; but where we are tied up to rules and measures, we have no lawgiver or fountain of religion but God, who in these last days hath spoken to us only by His Son, who as He is supreme in all things, so He is every way all-sufficient, and as by Him only we can be saved, so by Him only and by His spirit we must be governed. To this purpose we believe that He hath taught us all His Father's will: He is "the author and finisher of our faith[m]," and therefore to Him and to an obedience to Him we must bring our understanding; we pray that His "will may be done here as it is in heaven," and therefore He is perfectly to rule our wills here, for we are sure He does rule all above: we have no lawgiver but Him, no rule but His will, no revelation of His will but in His word; and besides this we have no certain place where we can set our foot. The laws of the Jews were either for them and their proselytes alone, or were adopted into the chris-

[m] [Heb. xii. 2.]

tian code; right reason gives measures for things, but of itself makes no laws unless it be conducted by a competent authority. The prophets were either expounders of Moses' law, or preachers evangelical; that is, either they called to obedience in things not moral, or if they did, they only spake the sermons of the gospel; and whatsoever was excellent in all the world was but a derivation from the wisdom of the eternal Father; and all this was united into a system of holy precepts at the appearing of the eternal Son: and since 'there is no name under heaven by which we can be saved but only the name of Jesus[n],' and He saves us not only by procuring pardon for them, but by turning us from our iniquities, by efforming us anew, by reforming whatsoever was amiss in manners and persuasion, by conforming us to the similitude of the holiness and perfections of God, and brings us to glory by the ways and methods of grace, that is, never leaves us till our graces are perfect and even with eternal felicities; it follows that we must go to Him, that He must teach us and guide us, that He must govern us and persuade us, that His laws must be our measures, His wisdom must be our star, His promises our aims, and we may as well say there can be two principles as that besides Him there can be any eternal and supreme lawgiver. One is more than all the numbers of the world.

§ 2. And if we look into the nature of His laws, we shall handle this truth as the people on mount Sinai did see thunder: all excellencies have as perfect unity as any one hath; and there can be but one justice, and it is the same grace of mercy which dwells in the bowels of all the good men and women in the world; and of temperance there can be but one general measure, and unchastity is a certain prevarication of one excellency that is known to all the world; and as for religion, since there is but one God, and He is to be worshipped as Himself pleased, and to convey His blessings to us by what mediator and by what instruments Himself shall elect, there can be in these things no variety, unless there be a plain deficiency in the means of the divine appointment. All the duty of mankind is in religion, justice, and sobriety; and in all these things God by Jesus Christ hath given us many laws, and besides them He hath given us no other, we have but one Lord, and therefore but one lawgiver and measure of justice: we have but one faith, and therefore but one religion; we have but one baptism, or solemnity of renunciation of the flesh, the world and the devil, and therefore but one rule for our comportment; one measure of sobriety according to the unity of our nature, which being made after the image of God is one as God is one. If therefore our blessed Lord be a perfect lawgiver, His law alone must be the measure of our duty and obedience; but if He be not a perfect lawgiver, whither shall we go to understand the will of God? "Master, whither shall we go? for thou hast the words of eternal life," said S. Peter[o]; there's the ques-

[n] [Acts iv. 12.] [o] [John vi. 68.]

tion and the answer too, and they together make the argument a demonstration. For if we can obtain eternal life by the words of Christ, then they contain in them the whole will of God; for he that fails in one is imperfect and loses all; and therefore in the words of Christ there is a perfect provision for an entire obedience, because they are a sufficient way to life eternal.

§ 3. The effect of this consideration is, that all the measures of good and evil must be taken by the evangelical lines. Nothing is to be condemned which Christ permits, and nothing is to be permitted which He condemns. For this is the great prerogative and perfection of Christ's law above that of Moses, some things by Moses were permitted for necessity, and because of the hardness of their hearts; thus divorces and polygamy became legally innocent, because a perfect law was too hard for that people, and like a yoke upon a young ox would have galled them, not subdued them; and if he had strained too hard, the silver cords of discipline would have been first broken and then despised. But when Christ came He gave perfect laws, and more perfect graces; He made the capacities of His obedience larger, and fitted the law and the subject by even and natural and gracious proportions, and permitted nothing which His Father loved not; and now 'every plant that God hath not planted must be rooted up[p];' and therefore this law must needs be absolute, and alone, and unalterable, and perfect, and for ever: and this appears infinitely upon this account, that although our nature is such that it will always be growing in this world towards perfection, and therefore that it is imperfect, and our obedience will be imperfect; yet even this Christ does not allow or positively permit, but commands us to be perfect, that is, to go on towards it, to allow nothing to ourselves either of crime or of suspicion, to be perfect in our desires, to be restless in our endeavours, to be assiduous in our prayers, never to think we have comprehended, never to say it is enough: and if our blessed Master does not allow of any imperfection of degrees, but thrusts the most imperfect forwards to perfection, it must be certain that in His provisions and His laws there can be no imperfection, but He hath taken care for all things on which eternity depends, and in which God is to be glorified and obeyed. And therefore in no case can it be allowed to any man, or to any company of men, to do any thing which is not there permitted.

Quest.

§ 4. Upon the account of this rule it is to be enquired whether it can be lawful for a prince or republic to permit any thing for the public necessities of the people which is forbidden by the laws of Jesus Christ.

§ 5. To this I answer with a distinction, that if the question be whether in any cases there may be actual impunity, there is no per-

[p] [Matt. xv. 13.]

adventure but there may; for sometimes it is necessary, as when a multitude sins, for then the remedy is much worse than the disease, and to cut off all would effect *ut nemo sit quem peccasse pœniteat;* there would be justice without discipline, and government without subjects, and a cure without remedy. And therefore it is that princes in the mutinies of armies or in the rebellion of their people use to cut off the heads of offenders, or decimate the legions, as Cæsar and Germanicus did: but if it be part of the people, though a considerable part, and the action highly criminal, we find great examples that executions have been done by subjects, by the innocent part, and then all the offenders suffered. Thus it happened in the mutiny of Cæcina's legions and their defection to the Ubii, the innocent part cut off all the rebels: and thus it was commanded by Moses who punished all them who worshipped the golden calf by the sword of the Levites; he set every man's hand against his brother, and none of the criminals did escape. But sometimes it is impossible to punish all; and very often the evil would be more than the good. For in all penal laws and inflictions although there be much of vindictive justice, yet this justice is but a handmaid to government and correction. When revenge is not also discipline, then it is no government, unless tyranny be the name of it. So that in such cases, it may be lawful to spare some who need it indeed but deserve it not.

§ 6. But if by impunity be meant a legal impunity, it must either mean that a law shall warrant the action, or that it shall beforehand promise indemnity: if it warrant the action, which the evangelical law hath forbidden, it is like the laws of Omri[q], it is *statutum non bonum*[r], and erects a government against the law of Christ; if it condemns the action but promises indemnity, it disparages itself, and confesses its own weakness: but as the first can never be lawful, so neither can the second ever be made so but with these cautions.

CAUTIONS TO BE OBSERVED IN CIVIL PERMISSIONS OF AN UNLAWFUL ACT OR STATE.

§ 7. 1) THAT the thing so permitted be in the present constitution of affairs necessary, and yet will not be without the evil appendage. Thus it is necessary that in all communities of men there be borrowing and lending; but if it cannot be without usury, the commonwealth might promise not to punish it, though of itself it were uncharitable and consequently unlawful. For it is either lawful, or else it is unlawful, for being against justice or against charity. If it be against justice, the commonwealth by permitting it makes it just: for as it is in the economy of the world, the decree of God doth establish the vicissitudes of day and night for ever; but the sun by looking on a

[q] [Mic. vi. 16.] [r] [Ezek. xx. 25.]

point not only signifies but also makes the little portions of time and divides them into hours; but men coming with their little arts and instruments make them to be understood, and so become the sun's interpreters: so it is in the matter of justice, whose great return and firm establishments are made by God, and some rules given for the great measures of it; and we from His laws know just and unjust as we understand day and night: but the laws of princes, and the contracts of men, like the sun, make the little measures and divide the great proportions into minutes of justice and fair entercourse; and the divines and lawyers go yet lower, and they become expounders of those measures, and set up dials and instruments of notice by which we understand the proportion and obligations of the law and the lines of justice: just and unjust we love or hate respectively by our warrant from God; and from Him also we are taught to make the general lines of it; as Do what you would be done to, Restore the pledge, Hurt no man, Rob not your neighbour of his rights, Make no fraudulent contracts, no unjust bargains: but then what are his rights and what are not, what is fraudulent and what is fair, in what he hath power, in what he hath none, is to be determined by the laws of men. So that if a commonwealth permits an usurarious exchange or contract, it is not unjust, because the laws are the particular measures of justice and contracts, and therefore may well promise impunity where she makes innocence (as to the matter of justice.) But if usury be unlawful because it is uncharitable, then when it becomes necessary it is also charitable comparatively; and as to charity no man by the laws of God is to be compelled (because it is not charity if it be compelled, for God accepts not an unwilling giver, and it is not charity but an act of obedience and political duty when by laws men are constrained to make levies for the poor,) so much less can they be compelled to measures and degrees of charity: and if to lend upon usury be better than not to lend at all, it is in some sense a charity to do so; and if it be when it will not be otherwise, there is no question but the prince that allows indemnity is not to be damnified himself. I instanced in this, but in all things else where there is the same reason there is the same conclusion.

§ 8. 2) Impunity may be promised to any thing forbidden by the law of Christ, if it be in such cases in which the subject matter is disputable and uncertain whether it be so or no; then it may. Thus it happens in questions of religion, in which it is certain there are many resolutions against the truth of God; but yet they may be permitted, because when they are probably disputed, no man is fit to punish the error but he who is certain, and can make it appear so to others, that himself is not deceived.

§ 9. 3) Whatsoever is against the law of Christ in any instance may not be directly permitted for the obtaining a greater good, but may for the avoiding of a greater evil which is otherwise indeclinable. If a prince be perfectly persuaded that the suffering the doctrine of

transubstantiation is against the laws and words of Christ it may not be suffered, though the parties interested promise to pay all the gabels of the nation and raise an army to defend it: but if a rebellion cannot otherwise be appeased it is lawful; not only upon many other accounts which are appendent to the subject matter, but because when two evils are before me, neither of which is of my procuring, I am innocent if I suffer either, and I am prudent if I choose the least, and I am guilty of no crime because I am but a suffering person: but if I do it to obtain a greater good, I choose the evil directly, because I am not forced to pursue the greater good; I can be without it, and although I may choose the least evil because I cannot avoid that or a greater, yet when the question is whether I shall permit an evil or lose an advantage, I may escape all evil at no greater price than by losing that advantage: so that here is no excuse because there is no necessity; and in the matters of duty, no good can make recompence for doing any evil, but the suffering of a greater evil is highly paid for by the avoiding of a greater.

§ 10. 4) When any such evil against the laws of Christ is permitted, the evil itself must be so reproved, that the forced impunity may not give so much encouragement to the crime as the censure must abate. The reason is, no evil must be done at any price, and we must rather lose our life than cause our brother to offend; and if each man is bound to this, then every man is bound to it. But because impunity is the greatest encouragement to sin, and next to the pleasure or interest of it, is the greatest temptation, care must be taken that what serves the interest of the republic may not deceive the interest of souls; and this being the greatest ought infinitely to be preferred, and therefore unless something be directly done that may be sufficient security against the probable danger, no interest of the commonwealth is to be served against it, because none is sufficient to be put in balance against one soul.

§ 11. 5) This impunity (especially if it be in the matter of sobriety) must not be perpetual, but for a time only, and must be rescinded at the first opportunity. Thus S. Austin when he complained of the infinite number of ceremonies which loaded the church, and made her condition more intolerable than that of the Jews under the levitical yoke, adds this withal, that this was no longer to be tolerated than till there was a possibility to reform. And when S. Gregory had sent Augustine the monk to convert the Saxons, he gave him advice not to press them at first too passionately to quit their undecent marriages, which by their long customs and the interest of their families they would be too apt to hold too pertinaciously and with inconvenience, but afterwards it would be done.

§ 12. 6) Till the impunity can be taken away, it were an act of prudence and piety, and (in many cases) of duty, to discountenance the sin by collateral and indirect punishments. Thus the old Romans confined their *lupanaria* to the outer part of the city. It was a *sum-*

mœnium, and their impure women had a name of disgrace, and a yellow veil was their cognizance; and so the Jews are used in some places: but thus we find that S. Paul and the apostles tolerated those Christians which from among their own nation gave up their names to Christ, who yet were polygamists, or which was equivalent had married a second wife their first being living and divorced; but although this could not well be avoided, lest they should be vexed into apostasy, and their judaical hardness of heart was not yet intenerated sufficiently by the softer and sweeter sermons of the gospel; but yet to represent their dislike of such marriages which they were forced to tolerate they forbad such persons to be taken into their clergy, so punishing such persons by a privation of honour whom they could not punish by a direct infliction of censures, or separation from their wives.

§ 13. 7) In all such tolerations of evil, the secular interest must be apparently separate and declared to stand far off from any thing of the religion; and the consciences permitted to stand or fall under them, who are to take care of them and answer for them. The permission by the civil power is not to rescue them from the ecclesiastical rod; for it being a matter of civil interest is not to derive any countenance from religion, so much as accidentally; for no powers of man can forbid the servants of Christ to preach His law, to declare His will, and to get subjects to His kingdom, and to turn sinners from the error of their way; if they do, they must not be obeyed, but God must, and if they die for it they are well enough.

§ 14. But now against the doctrine of the rule many things may be objected, for there seem many things and great cases to be for which the laws of the holy Jesus have made no provision. I instance in a very great one, that is, the whole state of war, and all the great case and incidents of it. For since it is disputable whether christianity allows of war, and it is not disputable but very certain that it speaks nothing of it expressly, neither gives any cautions concerning it in particular, it will seem to be a *casus omissus* in the law. To this there may be many considerations offered.

OF THE MEASURES OF WAR BY CHRIST'S LAW.

§ 15. 1) If it be said that all war is unlawful, against the analogy and against many express lines of our religion; it is indeed a short way of answering this difficulty, but will involve the whole christian world in many more: but of this in the following numbers I shall give accounts.

§ 16. 2) If it be said that christianity leaves that matter of war wholly to be conducted by the laws of nature and nations; we shall find that this will entangle the whole enquiry, but we shall never come to any certainty. For if the christian law be (as I have proved)

a perfect digest of the natural law, to say the affairs of war are to be conducted by the laws of nature, is not to put them from being determined by the christian law, because they are the same; and if in the law of Christ there be no rules of war, neither can there be any in nature. But besides this, if the laws of nature which concern war be not set down in the gospel and writings of the New testament, but that we be sent to look for them in the tables of our own hearts, in which some things are disordered by passion and many more are written there by interest, and some by custom, and others by education, and amongst men these are the authors of contrary inscriptions; we shall find the law of nature a strange thing by that time we have drawn it from thence only, and looked over it to find some rules of war, whose whole being is very much against the excellent and perfective laws of nature.

§ 17. 3) If it be said that war is to be conducted by the measures of peace, we speak what is impossible to be true: for *inter arma silent leges;* not only because the sword is licentious and impudent, but because the cases of peace and war are wholly different.

§ 18. 4) If it be said that right reason must be the measures; I answer, that if right reason could be heard possibly there would be no war at all: and since one part begins the war against reason, it is not likely that he for any reason that can be urged shall lose his advantage. But besides this who shall be judge? whose reason shall rule? whose arguments shall prevail? and will he who is *minor in causa* be *minor in prælio,* he who hath the worst at the dispute yield also in the fight? and are not the *pugnacissimi,* the fighting men, such as will hear and understand the least reason?

§ 19. 5) Some will have the law of nations to be the measure of war; and possibly it might if there were a digest of them, and a compulsory to enforce them: but there being neither, they are uncertain what they are, and are admitted with variety and by accident, and they shall oblige strangers when the men are conquered, and subjects by the will of the prince; that is, the measures of war shall be the edicts of any single general and nothing else.

§ 20. In the midst of these oppositions it will be hard to find something certain; but that which can most be relied upon is this, that christian religion hath made no particular provisions for the conduct of war under a proper title, because it hath so commanded all the actions of men, hath so ordered the religion, so taken care that men shall be just, and do no wrong, hath given laws so perfect, rules so excellent, threatenings so severe, promises so glorious, that there can be nothing wanting towards the peace and felicity of mankind but the wills of men. If men be subjects of Christ's law, they can never go to war with each other; but when they are out of the state of laws and peace, they fall into the state of war, which being contrary to peace, is also without all laws. So that the injurious person is not to enquire how to conduct his war, for he is gone beyond all

law, into a state of things where laws are of no value; but for the injured person, he is just so to comport himself as he can, having one measure of action, and another of defence.

§ 21. For his defence, it is not to be measured by laws, but by privileges: that is, things being gone beyond the laws of nature, he is left to his natural powers and defences; and is to do this without any other limit, but that he defend himself and his relatives and drive away the injury. That is, there being no law of God to forbid him to defend himself, he is at his liberty which naturally every man hath: *Hoc et ratio doctis, et necessitas barbaris, et mos gentibus, et feris natura ipsa præscripsit, ut omnem semper vim quacunque ope possent, a corpore, a capite, a vita sua propulsarent*[r]: 'the learned are taught by reason, the barbarous nations by necessity, the civil by custom, the very beasts also by nature, to defend their head, their body, their life from all injury by all means.' For God hath nowhere forbidden that a man shall be defended,

Armaque in armatos sumere jura sinunt[s],

'we may put on armour to defend us against an armed malice:' He hath indeed forbidden private revenges, because those are entrusted to the laws and public persons; but when a single person is injured he can defend himself or crave the patronage of princes and the laws; but when public interests are violated, when kingdoms and communities of men and princes are injured, there is no law to defend them, and therefore it must be force; for force is the defensative of all laws; and when all laws are injured, there can be no way to reduce men to reason but by making them feel the evils of unreasonableness. If this were not so, then all commonwealths were in a worse state of affairs than single persons; for princes are to defend each single person, and the laws are to secure them; but if the laws themselves be not defended, no single person can be; and if they could, much rather should all. Whatsoever is absolutely necessary is certainly lawful; and since Christ has nowhere forbidden kings to defend themselves and their people against violence, in this case there is no law at all to be considered, since there is a right of nature which no law of God hath restrained, and by that right all men are equal; and therefore if they be not safe from injury, it is their own fault or their own unhappiness; they may if they will, and if they can; and they have no measures in this but that they take care they be defended and quit from the danger, and no more. The *jus naturæ*, the rights and liberties, the equalities and privileges of nature, are the warrant of the defence, or rather there needs no warrant where there is no law at all: but this right of nature is the measure of the defence; we may be defended as much as we need.

§ 22. But then if it be enquired, what is the measure of actions which must be done in the conduct of the defence by the injured

[r] Cic. pro Mil. [cap. xi.] [s] Ovid. [Art. amat. iii. 492.]

prince or republic, and how shall they be measured if Christ in His laws hath made no provisions and described no rules; I answer, that the measures of action in public are no other than the measures of the private, the same rule of justice is to be between princes and between private persons: they also must do as they would be done to; they must keep covenants, perform their words, hurt no innocent person whom they can preserve, and yet preserve themselves; they must keep themselves within the limits of a just defence; and as in private contentions and repetitions of our right we must look after justice, but do nothing against charity, we must defend our rights, but do the adversary no wrong, and by no vexatious measures secure our own interest and destroy his just right in an unnecessary conduct of our own, so it is with princes: he that is injured may drive away the injury, he may fight against invaders, he may divert the war if it be necessary; but he may not destroy the innocent with the guilty, the peaceable countrymen with the fighting soldiers: and nothing can legitimate that but an absolute necessity, that is, it must not be done at all when it can be understood and when it can be avoided; and there is no direct action of war but it is to be ruled by necessity and justice and charity, and in these there is no variety of the rule, and no change except what is made by the subject matter, which must be made to combine with the measures of justice and charity by the instruments of reason and customs and public fame, and all the measures of wise and good men.

§ 23. Wars are so to be managed as private contentions are, and there are the same rules for both, that is, when they are equals; but if it be a war betwixt subject and superior, it is on the prince's part to be conducted as other acts of public justice: when a single executioner can punish offenders, that is enough; if one cannot, more must, for it is every man's interest that the injurious should be punished; and he that can raise the country troops by law to assist the executions of justice, may raise all the troops of his kingdom to do the same duty when there is a greater necessity. But for the subjects who take up arms against their superior, there is no answer to be given by what measures they must conduct their arms, there is no measure at all for them but one, to lay them down and never to take them up again. For it cannot be expected that a wise and a holy lawgiver should give rules for the *banditti* to manage their violences, or the Circassians how to conduct their plunder and their robberies. Christ never gave any laws concerning rebels, but obedience and repentance; and for just wars, that is, the defensive wars of princes (for there is no other just but what is defensive directly or by a just equivalency) Christ hath given no other laws but the same by which single persons in their contentions or differences are to be conducted: and thus also S. John the baptist[t] gave the same measures to the soldiers which contain every man's duty; "Do violence

[t] [Luke iii. 14.]

to no man," "and be content with your wages." For war is the contention of many: and as it is in social contracts which are to be governed by the same justice as private merchandise, so it is in social contentions; for in this case, two and two thousand make no difference in the rule, but much in the circumstances of the matter.

Quest.

§ 24. But upon this instance it is seasonable to enquire whether the precedents of the Old testament be so imitable by them that go to war that they can pass into a law, or if not, yet whether they are safe or no.

§ 25. The question though instanced in the matter of war, yet is of use in all affairs whatsoever; because there are divers portions of mankind *α*) who think every thing is imitable which they find done in the scriptures, and *β*) nothing safe or warrantable that is not. These being their measures of right and wrong, have great influence into the questions of conscience, and therefore are to be established upon certain rules.

OF THE NEGATIVE MEASURES OF EXAMPLES IN THE OLD TESTAMENT.

§ 26. 1) Therefore it is evident that not every thing done in the Old testament is a warrant for us: I instance in all the injustices and violences, rapines, and open prevarications of natural rights, concerning which there needs no further disquisition; but we are to keep ourselves to the rule, that is, to God's measures not to man's, *non qua itur, sed qua eundum*[u]; and we must not follow a multitude to do evil, *Argumentum pessimi turba est: quæramus quid optimum factum sit, non quid usitatissimum; et quid nos in possessione felicitatis æternæ constituat, non quid vulgo veritatis pessimo interpreti probatum sit*[x]: 'the crowd is the worst argument in the world: let us enquire not what is most usual but what is most excellent; let us look after those things which may place us in the bosom of beatitude, not those which can tune with the common voices, which are the worst interpreters of truth in the whole world:' and therefore that some persons were recorded in the scriptures is no hallowing of the fact, but serves other ends of the Spirit of God. But in this there is no question.

§ 27. 2) The actions of good men in scriptures are not a competent warrant for our imitation, not only when they are reproved, but even when they are set down without censure. The reasons are plain, *α*) because all the stories of the Bible are not intended to be sermons; and 'the word of God is useful for doctrine, for reproof, for exhortation and for information[y];' not every comma and period

[u] Seneca de vita beata, cap. i. [tom. i. p. 526.]

[x] [ibid., cap. 2. p. 527.]

[y] [2 Tim. iii. 16.]

for every one of these purposes, for they are contrary, but in the whole there is enough to make the man of God perfect, and readily instructed to every good work, to every holy purpose. Therefore as we must not imitate the adultery and murder of David, which are expressly condemned, so neither may we dissemble madness as he did at Gath[z], nor persuade another to tell a lie for us as he did to Jonathan[a], that he should say he was gone to Bethlehem when he went but into the fields, and to pretend sacrifice when it was a very flight. β) Because every man is a liar, and therefore unless himself walks regularly he can be no rule to us. γ) Every servant of God was bound up by severe measures, and by His rule he was to take account of his own actions, and therefore so are we of his. δ) There were in the Old testament greater latitudes of permission than there are to us: polygamy was permitted for the hardness of their hearts, but it is severely forbidden to us; and though without a censure we find Jacob to be husband to two sisters at once, yet this cannot warrant us who are conducted by a more excellent spirit, taught by a more perfect institution, governed by a severer law under the last and supreme lawgiver of mankind: Μείζονα ἐπιδείκνυσθαι δεῖ τὴν ἀρετὴν, .. ὅτι πολλὴ ἡ τοῦ πνεύματος χάρις ἐκκέχυται νῦν, καὶ μεγάλη τῆς τοῦ Χριστοῦ παρουσίας ἡ δωρεὰ, said S. Chrysostom[b]; 'we Christians ought to shew a greater virtue and more eminent sanctity, because we have received abundance of the Spirit of God, and Christ's coming is a mighty gift:' and if we should derive our warranties from the examples of the Old testament, it were all one as if from the licences of war we should take pattern for our comportment in the days of peace and laws, or from children learn what were the measures of a man. ε) Because sometimes the actions of good men were in them innocent because done before a law was given to them, but the symbolical actions by a supervening law afterwards became criminal. Thus although the drunkenness of Noah is remarked without a black character, and plainly told without a censure, it cannot legitimate drunkenness in us; because he was not by any positive law bound from a freer use of wine directly by proper provision, but we are. ζ) Because the actions of holy men in scripture are complicated, and when they are propounded as examples, and the whole action described, there is something good and something bad; or something naturally good, and something peculiar and personally good, which cannot pass into example. Thus when S. Paul[c] speaks of Gideon and Jephthah, Samson and David, Deborah and Barak, who through faith subdued kingdoms; here their subduing kingdoms by invasion and hostility is not propounded as imitable, but their faith only, and therefore let us follow their faith but not their fighting, and carry the faith to heathen countries, but not arms. So when the fact of Razis is propounded as glorious and great when he killed himself to avoid Nica-

[z] [1 Sam. xxi. 13.] [a] [1 Sam. xx. 6.]
[b] De Virgin. [cap. ult., tom. i. p. 334 D.] [c] [Heb. xi. 32.]

nor[d], the whole action is not imitable, but only so much of it as was pious and prudent; and the other is to be praised as being the choice of a lesser evil, or is to be left to its excuse, as being necessary and unavoidable.

§ 28. 3) The actions of men in the Old testament, though attested and brought to effect by the providence of God, is no warrant for our practice, nor can they make an authentic precedent. I instance in the fact of Jeroboam, who rebelled against the house of Solomon; although God was the author of that change, and by His providence disposed of the event, yet Jeroboam had rules to have gone by, which if he had observed God would by other means have brought His purposes to pass, and Jeroboam should not have become a prodigy and a proverb of impiety. For a man is circumscribed in all his ways by the providence of God just as he is in a ship; for although the man may walk freely upon the decks, or pass up and down in the little continent, yet he must be carried whither the ship bears him. A man hath nothing free but his will, and that indeed is guided by laws and reasons; but although by this he walks freely, yet the divine providence is the ship, and God is the pilot, and the contingencies of the world are sometimes like the fierce winds which carry the whole event of things whither God pleases: so that this event is no part of the measure of the will, that hath a motion of its own which depends not upon events and rare contingencies, or the order of secret providence: and therefore this which could not commend his action cannot warrant our imitation.

§ 29. 4) Actions done in the Old testament, though by a command of God, do not warrant us or become justifiable[e] precedents, without such an express command as they had: if the command was special and personal, the obedience was just so limited, and could not pass beyond the person. Thus Jehu took up arms against the house of Ahab by the command of God, who intended to punish him severely; but we may not lift up our hand against our prince though he be wicked, unless God give us such an express commandment; for nothing is imitable but what is good, but in this there was nothing good but the obedience, and therefore nothing can legitimate it but a commandment.

§ 30. 5) Actions of good men, if done upon a violent cause or a great necessity, are not imitable, unless it be in an equal case and a like necessity. David when he was hungry went into the priest's house, and took the bread which was only lawful for the priests to eat, and to this example Christ appeals; but it was in a like case, in a case of necessity and charity; he that does the same thing must have the same reason, or he will not have the same innocence.

§ 31. 6) Examples in matters of war are ever the most dangerous precedents; not only because men are then most violent and unreasonable, but because the rules of war are least described, and

[d] [2 Mac. xiv. 37, 46.] [e] ['justificable' A.]

the necessities are contingent and many, and the reason of the action depending upon heaps of circumstances (of which peradventure no notice is recorded) can less be understood; and after all this, because most commonly they are unreasonable and unmerciful. That David made the people of the Ammonites to pass under saws and harrows of iron, is not safely imitable by christian soldiers; because it had so much cruelty, which either must be criminal or have an extraordinary legitimation, which it is certain christian princes cannot have unless it be by a rare contingency, and a new revelation, to which they can never reasonably pretend. But that they may drive out an invading army, that they may kill them that resist, that they may by war defend the public rights in which all the private are involved, they may safely take for their warrant the example of Abraham fighting in behalf of the king of Sodom, the act of Melchisedec in blessing God for the success of that battle, the wars of the judges and of David; because these were just and necessary by special command, or necessary defence; faith was the great instrument, and God's blessing gave them prosperity; they were against no law, and the like cases God hath not since restrained, and therefore we of ourselves being left to the rights of our nature, and unconfined by the laws of God, proceed prudently when we have the confidence of such great examples, against which the interest of no law is publicly, the interest of no virtue is secretly engaged.

§ 32. 7) When a law is changed, the examples which acted in proportion to that law lose all manner of influence and causality, and cannot produce a just imitation. Among the Jews it was lawful for a private person to transfix his brother or his father if either of them tempted him to idolatry[f]; and in a cause of God they might do public justice by a private hand. All the actions of their zealots done in such instances are no examples to Christians, because when that priesthood was changed, the law was changed, and then the nature of the action passed from lawful to unlawful, and therefore could not be imitated. He that is to write Greek must not transcribe it by the Hebrew alphabet; and when the copy is altered, the transcript must also receive variety and specific difference. Thus the disciples of our Lord would fain have done as Elias did; but Christ told them that he was not imitable in that, by telling them the spirit which is the principle or great instrument of action was wholly changed. It was not safe for them to do as Elias did, because they were to do as Christ commanded. Thus we find in the Old testament king Solomon dedicating and consecrating of a temple; it was a new case, and he was an extraordinary person, and the christian church hath transcribed that copy so far as to dedicate and consecrate churches or temples to the service of God; but she does it by the ministry of bishops, who are amongst us the presidents of prayer, and have those special assistances and emanations of the holy Spirit upon their

[f] [Compare p. 337. above.]

order which Solomon had in his own person, and much more; and therefore though the act is exemplar, yet it is not imitable as to the person officiating, because to do so is not properly the effect either of power or of office; but being to be done in the way of prayer is by the reason of the thing itself and the constitution of the church appropriate to the presidents of religion.

OF THE EXAMPLE OF CHRIST.

§ 33. 8) In the New testament we have so many, so clear, so perfect rules, that we have no need of examples to instruct us or to warrant our practices, but examples to encourage and to lead us on in the obedience of those rules. We have but one great example, Jesus Christ, who, living in perfect obedience to His Father, did also give us perfect instruction how we should do so too in our proportion. But then how far Christ is imitable, and ought to be imitated by us, is best declared in this short rule.

§ 34. In whatsoever He gave us a commandment, in that only we are bound to imitate Him: but in whatsoever He propounded to us as excellent, and in whatsoever He did symbolically to it, in all that also we may imitate Him.

§ 35. This rule establishes the whole case of conscience in this affair: because our blessed Saviour being an extraordinary person was to do some extraordinary things, in which either we cannot, or we ought not to imitate Him. He fasted forty days, we cannot: he whipped the buyers and sellers out of the temple, we may not without the authority of a public person: he overthrew the tables of the merchants, but the young man in Portugal[g] who being transported with zeal and ignorance beat the chalice and the sacrament out of the priest's hand out of passion against his idolatrous service (as he understood it) had a sad event of his folly amongst men; and what reward of his zeal he found with God is very uncertain. But whatsoever He taught to mankind, of that also He became a glorious example: but by the sermons only we are instructed, by the example encouraged; for *admonetur omnis ætas fieri posse quod aliquando factum est*[h], we see it possible to be done what Christ commanded us to do, and then did that we might follow His steps. But His example in these things makes up no part of our rule, because it is perfect without them: here our rule is perfect, and so is our example; but because Christ did some things beyond our rule and past our measures, and things of personal virtue and obligation, therefore we are to look upon Christ as imitable just as His life was measured by the laws He gave us; where they are, even there we also must endeavour to be so. There is this only to be added, that in the prosecution of His obedience to His heavenly Father, He sometimes did actions *in gradu heroico*, of great excellency; which

[g] [? Bordeaux.] Fox, Martyrol. [lib. vii. in A.D. 1557. vol. iv. p. 427. ed. 8vo. Lond. 1839-41.]

[h] S. Cyprian. [Ad Donat., p. 5.]

although they are highly imitable, yet they pass no obligation upon us but that we endeavour to tread in His steps, and to climb up to His degrees, and to desire His perfections. That these pass upon us no other obligation, appears, because they are sometimes impossible to be attained to; and they are the highest and the best, and therefore are not direct matter of duty, which belongs to all, to the highest and to the lowest. But that these do pass upon us an obligation to endeavour to attain them, and of labour towards them in our circumstances, appears in the greatest instance of all, the highest obedience, even that which was unto death; for "therefore Christ hath suffered for us, leaving an example to us, that we might follow His steps[i]:" that is, when He had given His church precepts, and propounded to them rewards of suffering, He also was pleased to give us the greatest example as a commentary upon His own text; declaring that the commandment did extend to the greatest instance, and that we should do as He did, *obediens factus usque ad mortem*[j], 'He was obedient even unto death;' and so must we when God requires it in particular. And that this is our duty, and that the obligation reaches thus far, is certain upon the interest of love; for we must love Him who is our Lord and our God, we must love Him with all our heart and with all our powers, and therefore endeavour to be like Him: *ἡ δὲ σύμφωνος τῷ νόμῳ τιμὴ ἡ τῆς οὐσίας ἐστὶ τῶν τιμωμένων γνῶσις, καὶ ἡ πρὸς αὐτὴν κατὰ δύναμιν ἐξομοίωσις· ὁ γὰρ ἀγαπᾷ τις, καὶ μιμεῖται ὅσον οἷόν τε, . . ὡς γὰρ φάσιν οἱ Πυθαγόρειοι, τιμήσεις τὸν θεὸν ἄριστα ἐὰν τῷ θεῷ τὴν διάνοιαν ὁμοιώσῃς*[k]· 'the greatest honour we can do to God and God's law is to understand God and to become like to Him.' For every one imitates that which he loves. *Religiosissimus cultus est imitari*, said Lactantius[l]; that's an excellent instance of the divine worship, to endeavour to become like to the holy Jesus.

§ 36. 9) But this is to be reduced to practice so as that *α*) the duty be certainly imitated, and *β*) the degree of duty aimed at, and *γ*) the instance be chosen with prudence and liberty. Thus when we find that Christ did spend whole nights in prayer, the duty here recommended is earnestness and diligence in prayer. In this we must imitate our blessed Lord; because His rule and His example make *τὴν καλὴν συνωρίδα*, an excellent consideration and society. But then to do it with that vehemence and earnestness, that degree of diligence, is a rare perfection which we can only tend to in this life, but we must do what moral diligence we can; and as for the instance and particularities of duty and devotion, we are yet at greater liberty, for we are not obliged to pernoctation in prayer, so we pray earnestly and assiduously, which is the duty, and endeavour to do it like Christ, which is the passion of the duty, and the degree of love, and the way

[i] [1 Pet. ii. 21.]
[j] [Phil. ii. 8.]
[k] Hierocl., in Pythag. carm. aur. [p. 22.]
[l] [Div. inst., lib. v. cap. 10. fin. tom. i. p. 388; cf. S. Aug. de civ. Dei, lib. viii. cap. 17. tom. vii. col. 206 B.]

of perfection; but that it be in the night or in the day is but the circumstance of the duty, nothing of the nature, nothing directly of the advantage of it; and is to be wholly conducted by prudence and consideration of accidents.

§ 37. 10) After all this, as Christ must be imitated in all the matter of duty, and is imitable in degrees of duty, and that for the circumstances of it we are wholly at liberty; so also it is in matters of His own ordinance and institution, in which the religion is to be obeyed, the design is to be observed and promoted, the essentials of the observation to be infallibly retained; but in the incidencies and collateral adherencies, which are nothing to the nature of the rite, nor at all appertain to the religion, there is no obligation, no advantage, no love, no duty in imitating the practice of our blessed Saviour. Thus to celebrate the blessed sacrament of the Lord's supper with bread and wine, to do it in remembrance of His death, to do it as He commanded, in obedience to Him, to receive it *a præsidentium manu*, 'from the hands of the presidents' of religion, is matter of duty, and matter of love, and matter of obedience; but to suppose we are bound so to imitate the actions and circumstances of the actions of Christ, as that it is duty or necessity that we take it in unleavened bread, to mingle water with wine, to receive in wines of Judæa, to receive it lying or leaning on a bed, to take it after supper, is so far from being matter of love or duty, and a commendable imitation of Christ, that it is mimical and theatrical, trifling and superstitious, a snare to consciences, and a contempt of religion: it is a worshipping of God with circumstances instead of forms, and forms instead of substances; it is like burning mushrooms upon the altar, and a converting dreams into a mystery; it is flattery, not love, when we follow our Lord in those things in which He neither gave command nor did any thing of religion or excellence, that is, in which He neither propounded Himself imitable, nor to be obeyed. For what worthiness was there in it that Christ did eat this supper at supper time; or that when He did institute this He was at His other supper, and did as the fashion of the country was at His supper? what religion was there in it that He drank the wine of His own country, and what ceremony or mystery was it if according to the usages of sober persons He put water into His wine for His ordinary beverage? and how could these become matters of religion or imitation, when they were only the incidencies and investitures of the ordinary actions of life and conversation? and in these things the interest of religion is conducted competently by common reason. He that follows the vices of his prince does like the man that worshipped Mercury by throwing stones at him[m]; and he serves him with a mischief, and to please his vicious prince thrusts him forward to eternal ruin. But he that to humour him carries his neck aside[n], or shrugs his shoulders in the same manner, or holds his knife at dinner by his pattern, is a flat-

[m] [See p. 291. above.] [n] [Compare vol. ii. p. 40, and iv. p. 306.]

terer; but he only loves his prince and is a worthy servant, who fights bravely if his prince be valiant, and loves worthy things by his example, and obeys his laws and celebrates his fame and promotes his interest, and does those things in imitation for which his lord is excellent and illustrious in all the world.

§ 38. But because against a rule no example is a competent warrant, and if the example be according to the rule, it is not the example but the rule that is the measure of our action; therefore it is fit to enquire of what use it can be to look after the examples either of the Old or New testament; and if it be at all, since the former measures are not safe, to enquire which are. In which enquiries we are not to consider concerning examples whose practices are warranted by rules; for in them as there is no scruple, so neither is there any usefulness save only that they put the rule into activity, and ferment the spirit of a man; and are to the lives of men as exhortation is to doctrine, they thrust him forward to action whose understanding and conscience was pre-engaged.

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OF THE USE OF EXAMPLES IN THE OLD AND NEW TESTAMENT.

§ 39. But then if it be enquired, what use examples are of beyond the collateral encouragement to action, and which are safe to be followed? I answer,

§ 40. 1) That in cases extraordinary, where there is no rule, or none that is direct or applicable with certain proportions to the present case, then we are to look for example, and they are next to the rule the best measures to walk by. But this is of no use in any matter where God hath given a law; but may serve the ends of human enquiry in matters of decency and personal proportions, when men are permitted to themselves and their entercourse with others. For the measures of human actions are either the *τὸ ἅγιον καὶ τὸ δίκαιον*, 'that which is holy, and that which is just;' and of this our blessed Lord hath given full rules and measures: or else the measure is, *τὸ κάλον καὶ τὸ πρέπον*, 'that which is worthy and becoming such a person:' and because laws do not ever descend to such minutes, the practices and examples of imitable and exemplary persons is the auxiliary of laws. But this is coincident to that of fame and reputation: thus if it be enquired in the days of persecution, whether it be fit to fly or to abide the worst; although we are by all general rules unlimited and unconstrained, and so the question of lawful or unlawful will cease, yet because it may be a question of the *τὸ πρέπον*, we may look about and see what such men as we are and ought to be, have done. "Shall such a man as I fly?" said the brave Eleazar[o]; he did not, and so made up the rule by becoming a worthy precedent.

[o] [See 1 Macc. vi. 43, 6, ix. 10; 2 Macc. vi. 18.—Nehem. vi. 11.]

§ 41. 2) In complicated questions, when liberty and necessity are mingled together, rule and example together make the measures. Thus if it be enquired how we are to comport ourselves towards our king, and what are the measures of our duty towards a tyrant or a violent injurious prince, the rule is plain; we must not strike princes for justice, and we must not hurt the Lord's anointed, nor revile the ruler of the people: but if we enquire further concerning the extension of a just defence, the example of David is of great use to us, who not only comported himself by the laws of God and natural essential reason, but his heart smote him for that he had cut off the lap of Saul's garment; and by his example kept us so far within the moderation of necessary defence, that he allowed not any exorbitancy beyond it, though it was harmless and without mischief.

§ 42. 3) In the use of privileges favours and dispensations, where it is evident that there is no rule, because the particular is untied from the ligatures of the law; it is of great concernment that we take in the limits of the best examples. And in this we have the precedent of our blessed Saviour to be our guide: for when in the question of gabels or tribute-money, He had made it appear that Himself was by peculiar privilege and personal right free; yet that He might not do any thing which men would give an ill name to, He would not make use of His right, but of His reason, and rather do Himself an injury than an offence to others. This is of great use in all the like enquiries, because it gave probation that it is better to depart from our right than from our charity; and that privileges are then best made use of, when they are used to edification.

§ 43. 4) In all matters of doubt, when the case seems equal to the conscience on either hand, so that the conscience cannot determine, there the examples of wise and good men are of great use to cast the balance and to determine the action; for to an equal scale every grain that is added will be sufficient to make the determination. If it be disputed whether it be lawful to rely upon the memory of our good works, and make them as an argument of confidence in God; and the rules of conduct seem antinomies, and when we think God's goodness and justice is warrant for the affirmative, and yet the rules and precepts of humility bear us to the negative; between these two, if they stand on equal terms, the example of Hezekiah is sufficient to make the determination.

§ 44. 5) The greatest use of examples is in the interpretation of laws: when the letter is equivocal, and the sense secret, or the degrees of action not determined, then the practice of good men is the best external measure we can take; for they are like *sententiæ judicatæ* in the law, the sentences of judges and the precedents in the like cases, by which the wisest men do often make their determinations. Thus the example of David[p] in dividing the spoil between

[p] [1 Sam. xxx. 24, 5.]

them that fought and them that guarded the stuff, as being a sentence in a question of equity, became a precedent in the armies of Israel for ever after.

§ 45. These are the uses we may make of examples in holy scriptures and ecclesiastic writers, which uses are helps to our weakness, but no arguments of the imperfection of Christ's law; for all these uses are such which suppose us unable to make use of our rule, as in the case of a doubting conscience, or not to understand it, as in case of interpretation; or else are concerning such things which are not direct matter of duty, but come in by way of collateral obligation; as in matter of decency and personal proportions, for which although examples may apply them, yet the laws of Christ have given us the general measures.

§ 46. But then since there is this use to be made of them, and the actions of men in scripture are upon so many accounts, as I before reckoned, inimitable and unfit precedents, the next enquiry is, what are the positive measures by which we may know what examples are imitable and fit to be proceeded in?

THE POSITIVE MEASURES OF EXAMPLE, AND WHICH MAY BE SAFELY FOLLOWED?

§ 47. 1) In this the answer hath but little difficulty, not only because of the cautions already given in the negative measures, but because the enquiry is after examples in cases where the rule is not clear and evident, not understood, or not relied upon; and they being in some sense used only in the destitution of a rule, may with the less scruple be followed, because if there be no rule clear enough to guide the action, neither will there be any to reprove the example. Therefore that which remains is this;

§ 48. 2) That example is safe whose action is warranted by God's blessing. Thus the piety of the Egyptian midwives was imitable, in that they refused to kill the Lord's people at the command of Pharaoh, for it is said, "therefore God did build them houses[q];" it was mingled with an officious lie, but that was but accidental to their action and no part of its constitution, and therefore not relative to the reward: but whatsoever God says He rewards with a blessing, that in equal circumstances may be safely imitated. I do not say whatsoever is blessed or is prosperous is imitable; for it may be prosperous and yet unblessed in one regard and accursed in another, or successful to-day and blasted to-morrow, or splendid in this world and damned in the next; or permitted for the trial of God's servants, or the extinction of their sins, or the very thriving of it may be the biggest curse, and nurse up the sin into its monstrous ugli-

[q] [Exod. i. 21.]

ness, and is no other but like the tumour of an ulcer; it swells indeed, and grows very great, but it is a sore all the way, and is a contradiction to prosperity; and sin never thrives, unless it be in the most catachrestical and improper way of speaking in the world: but I say, when it is said, or plainly enough signified in scripture that God did bless the man for so doing, that for which he was blessed, that I say is only imitable. And on the other side though an action be described in story without its mark of good or bad, it is a great condemnation of the action if the event was intolerable, and the proper production was a mischief: and thus was the drunkenness of Lot condemned, because incest was the product, and of Noah, because shame and slavery were the two daughters of it.

§ 49. 3) Because in these examples, for which there is no perfect rule, the concernment is not a direct but a collateral duty, not matter of direct obedience but fame and reputation, that 'things honest in the sight of all men be provided[r];' therefore such examples only are to be followed which are 'of good report[s].' A man shall not be called a just person if he invades his neighbour's rights, and carries war to dispossess a people that live in peace, upon pretence because we find in scripture that Nimrod did so, because he was an infamous person; but when Joshua kept the Gibeonites alive, because though he was deceived by them yet he swore to them, and yet did make them to be slaves to his people, he is very imitable both in one part and in the other; and we may not break our words upon pretence we were deceived, but yet we may do all that we can justly do for the interest of our relatives; and all this can well depend upon the example of Joshua, because his fame is entire and illustrious, he is accounted a good and a brave man.

§ 50. 4) We must be careful to distinguish the examples of things lawful from the examples of things good and just; and always imitate these, but with caution follow those: not only because what was lawful in the Old testament is not always so in the New, but that what is lawful at all times at some times is not fit to be done. But then, let every example be fitted to the question. If the enquiry be whether this question be holy or no, an example that declares it lawful does not answer that question; but if it be asked whether it be lawful, the example proving it to be holy does conclude the other more strongly.

§ 51. 5) When evident signs of piety, like veins of silver in the grosser earth, are mingled with the example, it adds many degrees of warranty to the determination. Thus our blessed Saviour, in His apology made for His disciple, appealed to the example of David, eating the bread of proposition: it was indeed an argument to them depending upon the fame of the patriarch, but yet our blessed Saviour knew there was in it great charity and lines of piety to his hungry

[r] [Rom. xii. 17.] [s] [Phil. iv. 8.]

followers, when David neglected a ceremony that he might do a charity and relieve a necessity; and therefore Christ did it not because David did it, but because he might: David's action was not Christ's warrant, but the piety of the thing was warrant to them both. And, indeed, this is the right use of examples; by the advantage of the man's fame they may reprove an adversary, but by the great lines of piety mingled with the body of the action they may become a precedent for our imitation.

I have now given accounts concerning that principle (mentioned *num.* 25,) which affirms 'every thing to be imitable if done and described in the scripture, unless it be signally forbidden.' Concerning the other, 'that nothing is safe or warrantable that is not,' I reserve it for its proper place.

CHAP. III.

OF THE INTERPRETATION AND OBLIGATION OF THE LAWS OF JESUS CHRIST.

RULE I.

IN NEGATIVE PRECEPTS THE AFFIRMATIVES ARE COMMANDED, AND IN THE AFFIRMATIVE COMMANDMENTS THE NEGATIVES ARE INCLUDED.

§ 1. NOT he that gives the law only, but he who authoritatively expounds the law becomes to us a lawgiver: and all who believe in God and in Jesus Christ confess themselves subjects of the christian laws; but all do not obey alike, who confess themselves equally bound, and are equally desirous to obey, because men by new or false or imperfect interpretation of laws become a law unto themselves or others, giving them measures which our blessed Lord never intended; and yet an error in these things is far more dangerous than in a thousand others in which men make greater noises. I shall therefore endeavour to describe plain and rational measures of interpretation, that we may walk securely.

§ 2. It is observable that in the decalogue, and so in the whole law of Moses, there are more negative precepts than affirmative. The Jewish doctors[a] say that there are six hundred and thirteen precepts given by Moses, according to the number of letters in the decalogue, which are six hundred and thirteen. But of these three hundred and forty-eight are affirmative, according to the number of joints of a man's body; but three hundred and sixty-five are negative, according to the number of the days of the year: but to omit these impertinent and airy observations of the Jews, it ministers some useful and material considerations, that in the decalogue all the moral precepts, one only excepted, are negative, (for that of the sabbath is the *caput cæremoniarum;*) but that of obedience to our superiors is only positive and affirmative. The reasons were these, by which also we can understand the usefulness of the observation.

3. 1) Because this being the first great reformation of the world was to proceed by the measures of nature, from imperfection to

[a] [De Voisin, observat. in procem. Martini 'Pugionis fidei,' p. 86. ed. fol. Lips. 1687.]

growth, from the beginnings of religion to its greater excellencies; but in nature the first step of our progression is to abstain from evil:

> Virtus est vitium fugere, et sapientia prima
> Stultitia caruisse[b].———

And therefore the face of the commandment was covered with the robe of discipline, and God would so secure their services that they should not displease nor anger Him; but the excellencies of holiness by which He was to be endeared to mankind were especially the glories of Christ, not the horns of Moses, the perfections of evangelical sanctity, not of the beginnings of the law.

§ 4. 2) The great sanction of the law was fear of punishment; and therefore God chose to represent His law to them in negatives, that according to the endearment so might be the obedience. Now to abstain from evil is the proper effect of fear, but to do good for fear of punishment is as improper as to threaten a man into love. Fear is the bridle of servants and boys, love is the spur of brave and good men.

> Nec furtum feci, nec fugi, si mihi dicat
> Servus, Habes pretium, loris non ureris, aio:
> Non hominem occidi, Non pasces in cruce corvos[c]:

That's the dialogue of masters and servants. If you be a thief you shall be condemned to the mill, if you be a murderer you shall be broken upon the wheel; but if you abstain from such crimes, your reward shall be, you shall escape the *furca:* since therefore the spirit of the law was the spirit of fear and of bondage, God did transact His covenant with them in negative measures.

§ 5. 3) The law of Moses was a pursuance of the covenant of works; and since it had in it very little beside the umbrages of the χρηστὸς ζύγος, the sweet yoke of the gospel, it did stipulate for exact measures; but therefore the precepts were negative that the obedience might be the more possible, and the injunction the nearer to paternal: for it is much more possible to abstain from sins of commission than from sins of omission: so that,

> ——— Optimus ille est
> Qui minimis urgetur[d]——

is the best measure of obedience to the mosaic law: he is the good man who cannot be accused to have done what the law forbids, he who hath done the fewest evils, not he who does the most good: and thus also the pharisees understood their duty; and they were not reproved by our blessed Lord for understanding the negative precepts by the rules of abstinence and a negative duty, but *a*) because they understood their negative duty only by the measures of

[b] [Hor. epist., i. 1. 41.] [c] [Hor. epist., i. 16. 46.]
[d] [Hor. sat., i. 368.]

the letter, not of the intention and spirit of the law: and β) because when they had been by the commentaries of the prophets and other holy men instructed in some evangelical measures and more perfect intendments, secretly at first designed by God, and so expounded by the prophets by way of evangelical preparation, yet they would still adhere to the old and first understandings of the law; because they loved some sins which (as they had known) were forbidden by those negative precepts if they would have opened their hearts to understand them as they should.

§ 6. 4) That the fifth commandment is affirmative in the midst of all the commandments that are negative, hath a peculiar reason, but nothing against the former discourse: for 1) it being a sanction of obedience to our superiors under God, is to be expressed in actions and external significations, not only because these only can do benefit, service, and advantages to our parents and princes, but because of nothing else can they be judges: men take no cognizance of thoughts and secret purposes, but of outward significations; and therefore the precept was to be affirmative, that is, preceptive of outward actions. 2) There is in children toward their parents so much natural love and so much fear, and they are so long under their power and the needs of minority, that it will very rarely happen that children can despise their parents, or curse them; their own interest, and their own passions, and their own affairs will secure the negative measures of the commandment; and therefore the world was in this instance disposed to receive greater degrees of injunction and a higher commandment, nature in this instance doing the same office for them as the whole law did in the other; that is, it was παιδαγωγὸς, a 'schoolmaster' to bring them to Christ: and if they had been as much disposed for the entertainment of the rare and excellent affirmative commandments of Christ in the matter of chastity and charity and meekness and humility as in the matter of duty to their parents, there would have been less need of the interposition and interval of the law of Moses before the coming of Christ.

§ 7. And these observations are verified by the ἀντιστροφὴ or corresponding part: for the precepts of Christ are positive and affirmative, as appears in His sermon on the mount, which is the summary of His law; in which when He expounded the negative commands of Moses, he still superadded an affirmative of His own. So that it will be nothing but matter of speculation to discourse whether or no in the law of Moses the affirmatives were included in the negatives: it is certain the pharisees did not understand them so; and they are not always involved in the nature of each other, and the promises of the law were not sufficient to encourage the ἀγαθοεργία, the doing of good works, though the fear was enough to restrain the evil: but that which concerns the conscience is that which now is evident and palpable. In the laws of Jesus Christ the negative and affirmative are but correlatives, *opposita relativa*, and

do infer each other. Thus we find it expressed often; "Whoso looketh on a woman to lust, hath committed adultery[e]," that was our blessed Lord's commentary on the sixth[f] commandment, which was negative; but He adds, "If thy right eye offend thee pluck it out[g]." So again, "Resist not evil," that's the negative precept, but Christ adds, "if any man sues thee at the law and takes thy coat, let him have thy cloak also." So in the matter of oaths, Christ said, "Swear not at all[h]," for He still added a more severe negative to the negative of the law; but then He adds His own affirmative, "Let your communication be yea, yea, nay, nay;" that is, let it be plain and simple, meek and positive, easy and ingenuous.

§ 8. Thus our blessed Lord did in His recitation and exposition of the moral commandments delivered by Moses; in the interpretation and enlargement of which although it was proper to declare a negative by a negative, yet He would follow His own method and design, and superadd His own affirmative; and when He was doing the office of a lawgiver rather than of a prophet and expounder of the old law, there His words were positive and affirmative. Witness the eight beatitudes, the precepts of charity and humility, of giving and forgiving, of fasting and prayer, and many others: but because in the doing all this He made large discourses and gave laws and exhortations, precepts and reasons, promises and threatenings in complication and mutual consequences; therefore we are without further enquiry sufficiently instructed that our duty is now intended to be complete, and as we must abstain from all evil, so we must do all the good we can.

§ 9. But this is to be understood with its proper caution. For we say in logic, *Ad negationem non semper sequitur affirmatio oppositi*, 'every negative does not presently infer every contrary affirmative,' as a matter of duty. It follows well, "Thou shalt not forswear thyself, but thou shalt pay to the Lord thy vows," but it does not follow that therefore thou shalt make vows. So in these also there is no consequence of obligation: thou shalt not take from thy neighbour what is his, therefore thou shalt give to thy neighbour: thou must take from none, therefore thou must give to all: thou must not give false testimony, therefore thou must tell all the truth thou knowest: thou mayest not give wrong judgment, therefore you must give right; for it may so happen that you need not give any at all. These instances point out to us the measures of affirmatives which follow from the contrary negations. Thus:

§ 10. 1) Affirmative duty follows from the negative, not in contraries but in contradictories. To make a vow and break a vow are contraries, and therefore it follows not, because I must not break a vow therefore I must make one; but to break a vow and not to break it are contradictories, and therefore if one be forbidden the other is commanded: and if the commandment be expressed in negatives, Thou

[e] [Matt. v. 28, 29.] [f] [Compare p. 45 above.] [g] [ver. 39, 40.] [h] [ver. 34.]

shalt not break thy vows, the affirmative is in the bosom of it, therefore thou shalt keep them; because unless this part of the contradiction be done the other is, and therefore it is not enough that we do nothing expressly against the instance of the vow, but we must also understand ourselves obliged to the performance of it according to the first intention. The reason of this is, because between two contraries there can be a third thing of a disparate nature, not at all included or concluded by either part, either by inference or by opposition.

§ 11. 2) From a negative an affirmative is not always inferred in a particular instance. We must not be uncharitable in any instance, but it follows not that by virtue of this commandment therefore we must be charitable or do our alms in every instance; for every man is not bound to redeem captives, or to visit prisoners: the reason is, because uncharitableness and visiting prisoners are not opposed in their whole matter and nature, but the commandment which is contrary to uncharitableness can be obeyed according to all its intention although it be not instanced in that particular. But this is to be added, that when by accidents and circumstances and the efficacy of some other commandment we are called upon to this instance, then that this be done is by virtue even of the negative, by the prohibition of uncharitableness, because when we are determined to an instance, the sanction of the whole commandment is incumbent on it, and will not be satisfied without it; but in other cases it is indifferent, and is obeyed by any instance that is fitted to our circumstances and to our powers. It is like a man's stomach, which of itself is indifferent to any good meat, but when by a particular κρᾶσις or accident it requires this and nothing else, it must either have this or it will fast. So are affirmative laws; though they oblige to every instance, and are indifferent to any that we can and may, yet sometimes we are determined to this and no other, and then the whole force of the law is upon it. But else ordinarily it is true that the universal negative infers only the indefinite affirmative, not the particular: the universal is only inferred by the consequence, the particular by accidents and circumstances.

§ 12. 3) From a negative law the affirmative is inferred, but not in the same degree of duty and necessity. It is not so great a sin if we neglect an act of charity, or an opportunity of doing glory to God, as if we do an act of uncharitableness, or positively dishonour God. The reason is, because sins of omission are less than sins of commission, because negligence is not so bad as malice, and of omission sometimes there is no evil cause, but a mere negative or unavoidable inadvertency; but of a sin of commission the cause is always positive, and therefore always intolerable.

§ 13. 4) The affirmative which is inferred by the negative law of Christ is not absolute and unlimited like the negative, but modificated and limited by its proper and extrinsic measures. We must

in no case and for no regard hinder our innocent neighbour from doing his necessary work, but it does not follow that therefore we must always set his work forward, and lend him oxen to plough his land; for it is in no case lawful to do evil, but in many cases it is lawful not to do good, that is, there is something more required to specificate a positive act besides the consequence of a negative law. For although the body of an action is there commanded, yet because the body of the action must be invested with circumstances, they also must have their proper causes, or they cannot have a direct necessity. "Never turn thy face from any poor man[i]," is a negative precept, to which the affirmative of Christ doth rightly correspond, "give to every one that asks[k]." Now although the negative is universally to be observed in its own just sense, *ut ne aversemur a paupere*, that is, that we deny not to be charitable to him; yet when this comes to be specificated by positive actions, the commandment is not the only measure, but some conditions are required of him that is to receive, and some of him that is to give: for to him that will not work when he can we are not to give, and he that needs it for himself is not obliged to part with it to his brother, supposing their needs are equal or not extreme. To this purpose is that known rule, that negative precepts oblige always, and to an actual obedience in all times, but affirmative, although they always oblige, yet they can be obeyed but in their own season. So that although every negative precept is infinite and hath no limit, yet the affirmative have extrinsic measures and positions of their own; something to make them laws to me and you, though the consequence of the negative is sufficient to make them to be laws to all mankind. So that although negative precepts may be the mother of affirmatives, yet the child is but a dwarf and not like the mother; and besides that it is exposed to be nursed by chance and by circumstances, by strangers and all the measures of contingency.

§ 14. 5) When affirmatives are included in, and inferred from the negatives, the proportion of them is not positive but comparative. Thus when our blessed Lord had given commandment, "resist not evil," that is, we should not do evil for evil, the affirmative which is properly consequent from this is, "do good for evil:" and this is obliging according to the former measures; but when you enquire further into the proportions, and ask after the instances which our blessed Saviour made, we shall find that their obligation is not positive but comparative. "If a man strike thee on thy cheek, turn the other also;" that is, rather than revenge thyself for one injury receive another, and rather than vex him who forces thee to go a mile, go with him two mile: not that Christ intends you should offer to do thyself a shrewd turn, or invite another: nor that thou shouldst suffer it, if thou canst fairly avoid it; but that thou shouldest choose rather to suffer two evils than do one. But this is espe-

[i] [Tobit iv. 7.] [k] [Matt. v. 42.]

cially to be reduced to practice in matters of counsel rather tha precept, that is, when the affirmative inferred from the negative i matter of perfection rather than positive necessity, then the com parative proportion is a duty; but the absolute proportion and mea sure is but counsel. To oblige an enemy and do him acts of favou and benefit is an excellency of charity, for which Christians shall re ceive a glorious reward; but this is a counsel of perfection, which i upon probable reasons and fairly inducing circumstances it be omit ted, a man shall give no answer for: but when the case is so that i must be that I must either take revenge of him, or else rescue hin from that revenge by an act of kindness, by a labour of love, or a expense of charity, then this becomes a duty; for in comparativ measures every affirmative is at least obligatory; that is, we mus rather be at any trouble or expense to do an affirmative than pre varicate a negative commandment.

§ 15. But then as to the other part of the rule, that 'in the af firmative commandment the negative is included,' there is no othe difficulty but this, that caution be had that the negative be opposed to the affirmative in relation to the same subject; for because we ar bound to love our friends therefore we must not hate them; but it fol lows not (as the pharisees did falsely comment on this text) becaus we must love our friends therefore we must hate our enemies; fo these two are not opposed as affirmative and negative in the same subject, but as two affirmatives relating to subjects that are divers.

§ 16. But this is sometimes not to be understood of the precis commandment itself, but of the appendages, I mean the promises and threatenings: for though it follows, We must do good to our neighbour, therefore we must do no evil to him; yet it does not follow, Do this and live, therefore if ye do not do it ye shall die; the reason of that is this, because there are some things encouraged with excellent rewards, the negatives of which are permitted to us with impunity. Thus it is said by our blessed Saviour, "when thou makest a feast, invite the poor, and thou shalt have recompence in heaven[1]," but then if we do not invite the poor it does not follow that we shall be punished in hell, but we shall not have that recompence which the hospitable man shall have. So that to invite the poor is an affirmative precept, but in this the negative included is not, Thou shalt not invite the rich, or if thou dost thou shalt be punished; but that it is not so excellent a thing; it is not so encouraged by the proposition of an eternal reward, but expires in a temporal interest: so that the negative included relates to the reward, not to the precept, and means this only, If thou dost not invite the poor thou shalt not have any reward in heaven for feasting and making entertainments. But the sign of this is, α) when the precept is only in the particular instance of a general commandment, as this of inviting the poor is of alms or charity: or else β) when it is mat-

[1] [Luke xiv. 13, 4.]

ter of counsel and not of express precept; then the negative is not directly included in the preceptive words, but in the reward that is appendent.

§ 17. Lastly, when it is said that in the affirmative precepts the negatives are included, the word 'negative' is to be understood in the moral sense; that is, so as to include the privatives also. Thus when we are commanded to love our brother, it is not only forbidden to us to hate him, but we are also commanded not to omit to express our love by symbolical actions; for not only contrarieties and repugnancies to the duty of the commandment, but even omissions also are forbidden; and this is highly to be regarded in the matters of charity, which toward enemies we use to estimate by our not cursing him, our not hurting him, our not being revenged on him: these, indeed, are proper instances of the negative included, but the privatives also are to be considered; for not loving him is hating him, our refusing to do him kindness, our not praying for him, our unaptness to do him good offices, our remembering and reporting his injustice, our refusing to converse with him, and denying him the comforts of our society, when without danger or injury to ourselves we may converse, is a prevaricating the negative or privative measures of the commandment.

RULE II.

WHEN A NEGATIVE AND AN AFFIRMATIVE SEEM OPPOSITE IN ANY SENSE, THE AFFIRMATIVE IS TO BE EXPOUNDED BY THE NEGATIVE, NOT THE NEGATIVE BY THE AFFIRMATIVE.

§ 1. THUS are those various expressions of our blessed Saviour to be considered and understood: "Unless ye eat the flesh of the Son of man and drink His blood, ye have no life in you;" and yet our blessed Lord says, "He that eateth the flesh of the Son of man hath life abiding in him[m]." Now to them who suppose these words to relate to the sacramental manducation, the question is, whether or no it be necessary to drink the blood *in specie* as well as to eat the flesh, because of the exclusive negative requiring both under the forfeiture of eternal life; or shall it suffice to receive the flesh only, because life is promised to be in him who eats the flesh, in that place no mention being made of drinking the blood.

§ 2. To this the answer is made by this rule; the negative cannot be lessened by the affirmative, because a negative can have no de-

[m] [John vi. 53, 4.]

grees as an affirmative can; and if the affirmative were in this case sufficient, when the negative is express to require more, then the affirmative were directly contrary to the negative: but on the other side, though the affirmative requires less than the negative, there is no contradiction. *α*) Because in matters of duty whatsoever is any where required is every where supposed, and no interpretation can lessen it from what it is in its whole integrity. *β*) Because all our duty is not every where repeated, but the not repeating it in any place cannot annul the obligation in that place where it is expressly required. *γ*) Because a threatening in all laws is of more force and efficacy than a promise; and therefore when under a threatening more is required, the promise that is affixed to a part of it must be understood by the analogy and promise to that threatening, because one thing is enough to destroy us, but one thing is not enough to preserve us. *Bonum ex integra causa, malum ex qualibet particulari*[n]. *δ*) Because it is ordinary in scripture to give the promise to every part of duty, which yet shall never be paid to that alone: thus to purity, to poverty of spirit, to mercy, to faith, to alms, to patience, to hope, the promises of blessedness are given; but although it is said, "the pure in heart shall see God," and "the poor in spirit shall have the kingdom[o]," and they that quit houses and lands for Christ's sake shall receive the reward of the other world; yet unless all that is required be put together in the duty, nothing of the reward shall be given to the person. Every part of an exclusive negative is an indispensable duty; but every affirmative that is encouraged by a promise does not contain a whole duty, but a part of duty, which by being symbolical to the whole is encouraged as every other part is, but is not paid but in an entire payment, to an entire obedience.

§ 3. This also is true when in the affirmative more is put than in the negative, for even then the negative is the strict measure of the commandment, and the limit of its absolute necessity and exaction. "He that believeth and is baptized shall be saved, but he that believeth not shall be damned[p]." Here the negative is the utmost limit, the *necesse esse* is described in that, the *bene esse* and the ordinary expectation in the other; by which we are thus to understand this and such other expressions, that the negative contains the indispensable duty, and supposes an obligation that nothing can excuse in persons capable; but the affirmative that supposes more is yet for that which is over and above content with a less necessity, and admits of easier dispensation. For it containing all that is expected is like a *summum jus*, which though by the method of laws it is often expressed that obedience may be invited as forward as it can, yet the ἐπιείκεια or the abatement is in the negative; that's the lowest, and therefore it is bound up with the penalty. For to the highest duty the reward is promised, and it is more than enough to pay it, but the

[n] [Dionys. Areop., de divin. nom., cap. iv. p. 216 B: compare vol. vi. p. 337.]

[o] [Matt. v. 3, 8.]

[p] [Mark xvi. 16.]

punishment is threatened by lower measures; God abates much before He smites, and though He will reward every good we do, yet every good that is omitted is not punished with death. But this is to be understood when the good is of that nature that it may be omitted upon a probable cause, or without malice, or without the direct prevarication of an express commandment: for many good things are wholly put to us upon the account of hope and promises, and not of commandments and obedience; though in these also God makes what abatements He please, but we are to make none at all.

RULE III.

IN THE AFFIRMATIVE AND NEGATIVE PRECEPTS OF CHRIST, NOT ONLY WHAT IS IN THE WORDS OF THE COMMANDMENT, BUT WHATSOEVER IS SYMBOLICAL OR ALIKE, IS EQUALLY FORBIDDEN OR COMMANDED.

§ 1. WHEN S. Paul had enumerated the works of the flesh, and had put into the catalogue most of those crimes which are commonly named in laws and fame and the manners of men; he adds, καὶ τὰ ὅμοια τούτοις, 'and those things which are like to these[q].' For

1) There are some things which are too bad to name, such were the impurities of the *tribades, fellatrices, drauci, pathici, pædicatores,* of which the apostle[r] says, "it is a shame even to name such things as are done of them in secret:" πάθη ἀτιμίας, that's the general word which the apostle uses for them all, 'dishonourable lusts.' Now when all unnatural lusts are forbidden, all mixtures but what are hallowed by marriage and the order of nature, it is no part of the perfection of the law to name the species of impurity, and the circumstances of that vileness which gets new names as men please to undo themselves by tricks and artifices of shame.

2) There are some sins which are like new diseases, vile and infectious in one year, or in one age, which were never heard of before, and die with reproach and are never heard of again. That a woman[s] should grow to that impudence as to marry her adulterer in the same town where her husband was living, and a prince, was so rare a contingency, that though it was once done in Rome, yet no law was needful to prevent it: and there needed no law to forbid a man to marry a boy, yet Nero did marry Sporus[t], and he married Doryphorus[u], whom Tacitus[v] calls Pythagoras: but this was no less a sin,

[q] [Gal. v. 21.]
[r] [Ephes. v. 12.]
[s] [Messalina,—Tacit. annal., lib. xi. cap. 26.]
[t] [Dio Cass., lib. lxiii. p. 721 A.]
[u] [Sueton. vit. Neron., cap. 29.]
[v] [Annal., lib. xv. cap. 37; Dio Cass., ubi supra.]

because it was not the express vocal contradiction of a law; it was against a law that named it not.

3) There are some sins which nature and the public manners of the world do so condemn, that they need no special mention in the laws. No law forbids us to eat man's flesh, and yet all the civil part of mankind hate and condemn them that do it; and those Egyptians who did *deperire defunctarum cadavera*[x], fall in love with the dead bodies which they did anoint, were condemned by the voice of all the world, without the charges of an express law; and all that read the narratives of the gnostic impurities, how they did in the impurest sense *litare in sanguine fœmineo*[y], and make their eucharist of matter of abomination, have enough of prime reason and common notices of laws and things to condemn their vileness, though they never study the question or enquire which commandment they prevaricate.

4) There are some sins like others that are named, which are not distinct kinds, but like the monsters of Africa[z] produced by heterogeneous mixtures, or equivocal generation. Thus to geld a child to make him have a good voice is so like cruelty, and the unmercifulness of homicide or mutilation, and is such a curiosity of voluptuousness and sensuality, that though it wants a name to signify its whole sinfulness, yet it must stand condemned though there be no text against it described expressly in the tables of the law. To give money for ecclesiastical preferments is so like the sin of Simon Magus, that it hath obtained his name and his reproach, and yet it is not the same crime; but upon the account of S. Paul's ὁμοίωμα or 'similitude,' it hath the same condemnation. Thus polygamy is like adultery, and marrying after divorce (except only in the case of fornication) is like polygamy. Concerning which things there is one measure in general, and some other more particular.

§ 2. 1) In general.

The likeness of things to those which are expressly forbidden is not to be estimated by forms and outsides, and material resemblances, but by the intrinsic irregularity and reason of the prohibition. To kill a wife or daughter taken in adultery, even in those countries where by the laws it is permitted, looks as like murder as killing can: but because the laws allow the interested man to be the executioner, it is the public hand not the private that takes the vengeance; and therefore they are not alike in a culpable similitude. But on the other side to take my goods wherever I find them looks like justice: but because of justice a man is not to be judge and executioner in his own case, and this thing is in many cases forbidden by the laws, this is against justice; for it is not enough that it is his own; for although it is *justum*, 'a just thing,' to take my own, yet to do it from a thief by private authority where it is forbidden by the

[x] [Herod. Euterp., cap. 89.]

[y] [Epiphan. hæres. xxvi. tom. i. p. 86 D.]

[z] [Compare vol. iii. p. 448.]

public, is *justum injuste factum*, 'a just thing done after an unjust manner.' But if there be a likeness of injustice, a prevarication of the same reason, an equal injury, then not the letter of the law, but the reason and the spirit of it is its condemnation. *Par pari referre*, to give back the good I have borrowed, is one of the great lines of justice; and upon this account we are bound to pay debts, to perform contracts, to make equal returns of valuable considerations, and whatever is against this is against justice. But then because acts of kindness are the transition of a good from one to another, and although it is without a bargain, yet it is not without an obligation; ingratitude comes under the τὰ ὅμοια, it is so like injustice that it is the worse for it. It is expressly commanded that we should provide for our children according to our powers, and therefore they that expose them are worse than infidels and have denied the faith; but then to deny to nurse their own children (unless it be upon a just and a reasonable cause, upon charity or necessity) is so like exposing them, that it must stand as reprobate under the sentence of the same commandment.

§ 3. 2) But the particular measures of this rule are these: whatsoever is of the same specification is of the same obligation and necessity. But if men would be ingenuous and worthy in giving sentences of their actions, and understanding the measures of their duty, there could be no difficulty in this: for men are easy enough to consent to a general rule, but they will not suffer their own case to be concerned in it; and they understand the particulars too fast when it is the interest of their brother, but if it be their own they know nothing of it. It is written, "Thou shalt not tempt the Lord thy God[a]," and all the world consented to the law since the promulgation: but yet many nations and many ages of christendom did admit the trials of rights by duels, and of innocency by fire ordeal; which was as direct a tempting of God as any thing next to desperation itself, and by this is sufficiently reproved. If the labourer be worthy of his hire, then so is the priest; if the priest of the old law, then also the minister of the gospel: which particular I choose to instance in, that by occasion of it I may give caution against that which causes error in the application of this measure and sense of laws unto the conscience.

§ 4. For because all actions are invested and varied with many circumstances, they who are concerned in a particular with which they are willing to escape, think every new circumstance to be a warrant great enough to exempt him from the general rule. Thus if a rule was given in the law of Moses, they who would not have it drawn into consequence in the gospel observe that differing circumstance of the divers laws, and think it answer enough to say, It was so in the law, but what is that to the gospel? Now this answer is only true when the law and the gospel have contrary measures in

[a] [Matt. iv. 7; Luke iv. 12.]

the same instance; that is, when the instance did not only relate to the law of Moses, but is against the analogy of the gospel. Thus no unclean thing was to come into the presence of the Lord, and therefore the leper or the polluted *in profluvio sanguinis* or *seminis* might not come into the temple: but then if we argue, this is much more true in the gospel, which is a state of greater purity than the law, we can conclude nothing; because the measures of legal and evangelical purity are wholly differing, and therefore here the relation to the several states and laws is considerable and makes a material difference. But when there is nothing in one that appropriates it to itself, and nothing in the other that excludes it, then the circumstance and relation alters nothing of the proposition; and so it is in the matter of maintenance for the evangelical minister.

But no circumstance can alter the question, unless it be a material ingredient in the very constitution of it, and changes the reason of the former usage. Thus when by the commandment we are tied to give every one their own, if the owner be a madman, and in his fury demands his sword, although this particular be a specification of the general rule, yet it is altered by a circumstance which changes the reason of the law, or supposes it changed. So when David brought his men to eat shew-bread in the days of need, the priest asked if the young men had abstained from their wives, saying, that then they might: but he that shall argue from hence, that no man can receive the sacramental bread but he that hath been continent in that instance, may be surely enough answered by telling him that such contacts did sometimes and to some purposes contract legal impurities, but not evangelical, in which only the purity of the spirit is required; or if also corporal were required, yet such approaches under the protection of marriage are declared to be κοιτὴ ἀμίαντος, as great a purity as chastity itself, of which this is one kind. But when there is no cause of change of the ingredient in the article, if it be of the same nature, though differing in extrinsical or unconcerning circumstances, it is by way of specification included in the rule, and is to be conducted by its measures.

§ 5. 3) Whatsoever is equivalent to the instance of the law, is also within its sanction and constitution. By 'equivalent' (speaking morally not logically) I mean that which is inferred α) from the greater to the less affirmatively: or β) from the less to the greater negatively: or γ) from that which is equal to it both affirmatively and negatively. For thus laws are extended on all hands: the same law that forbids murder forbids cruel thoughts and violent anger, whatsoever tempts to murder or is the beginning of it, or is in the natural progression towards it. So on the other side, the law commands us to obey our superiors (meaning the spiritual); the same law though it there names them not, does more strongly command us to obey princes, for they also "are over us and watch for the good of our

souls, and must give an account for them[b]." Thus if husbands must give honour to their wives, then wives must give honour much rather to their husbands. If you may not steal out of my house you must not spoil my goods in them, much less may you fire my house and burn my goods too: if you must be faithful in little things, much more in greater things: if you must give your life for God, much rather must you give your goods: if you must not defile a temple, much less must you dishonour your bodies.

§ 6. This also is to be extended to the proportionable obligation of correlatives. For if the relative be bound by the laws of Christ, then so also is the correlative; which rule hath no exception, but an explication of it is sufficient. For either the duty of relatives is equal or unequal in degrees, and it is either in the same instance or in divers. If the instances be divers, they are in all cases expressed competently in the New testament; as the duty that husbands and wives, that children and parents, that masters and servants, that princes and subjects owe to each other respectively; and they need not to be conducted by involution and consequence, for their duties are described in distinct lines. But if the duty and instances be in the same kind but differ in degrees, then the measure of the degrees is to be conducted by proportion to the difference of persons, by public honesty, and the sayings of wise and good men, and the common usages of the best, and the measures of reason. But if they be the same in kind and degree, then the rule and measure of one is the rule and measure of both, though one only be named in the law. And this is of use not only in the equal instances of unequal relatives, but in all the instances of equals; as in friendships, societies, guilds, colleges, exchanges, traffics, and the like. There must be care taken that according to S. Paul's[c] rule there must not be ἄνεσις, ease, remission and advantage to one, and θλίψις, trouble, burden and disadvantage to the other; but in relations that are equal, the duty and the expression must be so too; ever with this caution, that if the duty be the same between relatives, it cannot follow that the privileges are the same. The husband and wife are equally obliged in the duties of love and justice: but they have not equal powers, neither can the woman put away the man, as the man can the woman: for though man and woman are *pares in conjugio*, tied to an equal love and an equal duty, yet they have not an equal power nor an equal liberty; in government and divorces they are not equal.

§ 7. But upon the account of this rule the Christians have a most certain demonstration of the unlawfulness of polygamy, or of having many wives at once. For our blessed Saviour[d] said, "He that puts away his wife unless it be for fornication, and marries another, committeth adultery:" therefore he much more is an adulterer who marries another when his wife is not put away, and hath not com-

[b] [Heb. xiii. 17.] [c] [2 Cor. viii. 13.] [d] [Matt. v. 32; xix. 9.]

mitted fornication. But in this and the like cases we are to proceed by the measures of reason and the common usages of laws.

§ 8. 1) A law drawn from a law must be evidently and apparently in the bowels of it before such extraction, or else it must not be obtruded as the sentence and intendment of the lawgiver. "Obey them that have the rule over you[e]," is a plain commandment: but if you infer therefore in all things that they say, Deny your own reason, and submit your understanding, this follows not; because we are commanded to obey them only in such things where they ought to rule over us, but that it is not in our understandings, over which God alone is the ruler, and those whom He hath sent are rational and authorized guides; they have power to teach and power to exhort, they are to do any thing that can inform us and invite us to good, and we must follow them in all ways that lead us to God, and that they do we are to believe until we have reason to believe the contrary: but because beyond these measures the law neither said nor meant any thing, therefore the obligation extends not so far.

§ 9. 2.) Whatsoever is not in the letter of the law is then understood to be intended by the law when it is drawn from thence by a prime and immediate consequence; in which there is no violence, nor artificial chains, nor devices of wit and labour. For laws ought to be but few, and they love not to be multiplied without apparent necessity; and he that makes more than Christ intended, lays a snare for his own foot, and is cosened by his own argument. Christ commanded us that we should do our alms and prayers in secret: from hence it follows, that all solemnities of pride, and all the dressings and adornments of our prayers designed for vanity and publication are criminal; and under this prohibition come all acts of proper specification. But then if I argue from hence further and say, therefore it is not lawful to appoint public assemblies for prayer; or if it be yet it is not lawful to appear to men to be passionate and devout; and further yet, that private prayer is better than public, and therefore that it is to be preferred before the public, and therefore yet that we may safely "neglect the assembling of ourselves together[f]" for prayer; I argue foolishly, and cannot impose a necessity of obedience upon any. The law warrants me to go no further but within sight of it: if I go one step from her words, I am within the call of her voice; and my obedience can well be exacted where it can be well proved, but never else. It is in laws as it is in articles of belief, to which we are obliged primarily, and afterwards to every thing that is certainly and immediately drawn from thence: but if you go beyond one consequence, there are so many certain but indiscernible fallibilities, so many intrigues[g] of fancy in the disputer, and so much unaptness in the hearer, that it is ten to one they either do not understand one another, or do not understand the article: and so it is in laws; so long as we go on in

[e] [Heb. xiii. 17.] [f] [Heb. x. 25.] [g] ['intriques,' A.]

the straight line of its letter and known intention we commit no error, or can soon be reproved if we do, but if we once double a point, we presently lose sight of the law; as appears in the instance now given in the precept of 'praying in secret,' against which it is no objection to say, the consequents were not rightly deduced from the words of that precept. For I grant it it is true they are not; but then I say it is also ten to one but it will be so in any instance that shall be made fruitful with anfractuous[h] and involved consequences: for that is it that I say, A man's reason is to be suspected when he goes a great way from this rule; and we by our logic shall become but ill lawgivers. Whatsoever can certainly and truly be deduced from a law does as certainly oblige us as the instance that is named, or the first specification of it, or the direct consequent, if it could be made as evident as it is certain; but because it cannot, therefore it can oblige but in the degree of its clarity and manifestation; for that is to the remote instance the same as publication is to the commandment itself. But the precepts or laws of Christ are like the *radix prosapiæ*, 'the grand parent of a family,' from whom the direct descendants are for ever to be reckoned to the kindred in the straight and proper line; but when once it goes to the transverse and collateral, they not only have no title to the inheritance, but every remove is a step to the loosing the cognation and relation to the chief house.

§ 10. 3) In drawing consequent duties from express laws the first presumption is for piety and the honour of God, that is, if the obligation be not evident; yet if it be evident that such obedience is for the honour of God, it is more probably to be supposed that that consequent was intended by the law of God, whom it so apparently serves. But where this or the like material ingredient is not, we are to presume for our liberty rather than for the multiplication of laws; because that is charity and prudence, and both of them are very considerable in the constitution and interpretation of a law. But this is more full in the next rule.

RULE IV.

WHEN ANY THING IS FORBIDDEN BY THE LAWS OF JESUS CHRIST, ALL THOSE THINGS ARE FORBIDDEN ALSO WHICH FOLLOW FROM THAT FORBIDDEN ACTION, AND FOR WHOSE SAKE IT WAS FORBIDDEN.

§ 1. THIS rule is of use in all laws, and is expressed to the same caution both in the code of the civil law, and in the decretals; and the reason of it is, because the laws of any lawgiver being the effects

[h] ['winding, mazy,'—Johnson.]

of his greatest wisdom are designed to the best end, and are intended only to operate towards and to effect that end: to this purpose laws are made to prevent evils, and though the evils are not always named, yet against them it is that the laws are cautionary and provisionary; so that the evil is much more forbidden than that which brings it, or leads it in, because sometimes the evil instrument may be destitute of its evil effect, and therefore is in many degrees innocent and harmless, but if the evil be introduced it is all that which the laws were afraid of. And therefore Aristotle[i] said right, τὸ δὴ τέλος ἑκάστης πολιτείας οὐ δεῖ λανθάνειν· αἱροῦνται γὰρ τὰ πρὸς τὸ τέλος· 'we are to consider the end of every republic, for they choose all things in order to their end,' and the laws are made for public defence, security, and profit; so it is in religion and the laws of God. When we give alms we are commanded not to blow a trumpet, so being warned against pride; but if without that instance or signification we be really proud, or value ourselves upon that account, or despise our brother as less holy, or oppress the fatherless and widow, though without that pretence of holiness and the advantages of hypocrisy, they are greater breakers of the commandments than by their fond and fantastic proclamations of their charity. Thus we find in S. Paul[j] an express prohibition, that we "should not make provision for the flesh to fulfil the lusts thereof;" that is, that we do not take in great stowage of meat and drink, or use of arts of sharpening the desire, or caressing the fancy to make the pleasures brisk and active, and the sense quick and pleased: but some there are that make temperance the instrument of pleasure, and the minister of sensuality, and can be most pleased when they take the least care, and some mind the pleasures so as they will not tarry for the instruments or need them not; in these and the like cases if there were no distinct prohibition of that evil effect, yet it were sufficiently prohibited in the prohibition of the instrument. But because most of the evil effects of evil instruments are expressly and by name forbidden in the New testament, this rule is of use principally in the aggravation and condemnation of sin; and it means that every judgment and every evil we suffer which we were foretold of, and which is a foreseen effect of such an action, is to be imputed to us; and besides the direct sin we are also guilty of uncharitableness by doing that which we know will hurt us. God in the forbidding the sin commands us also to preserve ourselves, and besides the sin is angry at the very death.

§ 2. This rule hath two limitations: 1) It is not to be understood of events contingent and accidental, but either natural and proper, or foretold and threatened, or at least usual and noted. He that maliciously sows false doctrine in the church is answerable not only for the heresy, but for the mischief that he intends, or is willing it should produce; but if another man to spite him or to hinder his fame shall set up a contrary heresy, although this was the spawn of the first

[i] [Rhet., lib. i. cap. 8. tom. ii. p. 1366.] [j] [Rom. xiii. 14.]

toad, yet because it was an equivocal production it shall be no otherwise imputed but to reproach him amongst men, to reprove his folly, and to be an argument of a speedy repentance.

§ 3. But α) Whatsoever effect is natural to a forbidden action is directly upon the same account. Thus, whosoever divides the church, to him are imputed all the evil effects of schism which are its natural productions. If an imperious foolish woman by a continual inquietude, by her evil nature and a vexatious spirit, so disturb her husband's quiet and the ease of his soul and the comforts of his life that he also lose his health, she is not only guilty of the violation of the laws of love and duty and meekness by which she is bound to God and to her husband, but is guilty of murder, or high injuriousness and uncharitableness according to the degree of the mischief which she sees impressed and growing upon him.

§ 4. β) Whatsoever event is foretold and threatened, all that also is imputed to him that does the forbidden action to which it is threatened; and he is directly *felo de se* who by lust brings upon himself the rottenness of life, far worse than the putrefaction of the grave, and he is a perfect prodigal of his fortune who by committing sacrilege invites the worm, and calls a spirit of unthriftiness and consumption to his estate; and he that grieves the Spirit of God and causes Him to depart is guilty of that beggary and baseness of spirit with which such evil usages of the holy Spirit of God are often punished. For as God forbad some sins not only for their own sakes, but that others which are their foul issues might be strangled in the womb, so He forbad all sins and laid direct and collateral restraints upon them, that man might not be unhappy and extremely miserable. As therefore he who by one sin introduces another is guilty of both, so he who brings any evil which God graciously intended should not fall upon us, to him that evil is to be imputed, and that evil also does either directly or accidentally according to the nature of the subject matter increase his guilt.

§ 5. γ) If an evil effect be not either natural or threatened, yet if it happens ordinarily and be noted, it is to be imputed to him who does that evil and forbidden action which does infer it. The reason is because he wilfully sins against the purpose of the law who will not prevent that evil which the law intendeth to prevent, and makes the law void and illusory, that is, destitute of its effect, and perfectly in vain as to that intention. Thus it is observed that the father's or the mother's curse destroys the pleasures of a sin, and the gaiety of a fortune, and the prosperity of an offending child: he therefore that shall do a forbidden action which shall bring such a curse upon himself is not only justly punished, and is to impute that to himself perfectly and alone; but if upon his account evil descend upon his posterity or relatives, he is guilty of that evil, and is a direct sinner in their punishment.

§ 6. 2) The other limitation which I am to interpose is this, that

the evil effects of an evil action are imputed but in proportion to the will and actual understanding, beyond the sphere of which whatsoever does happen, it is collateral and accidental both to the intention and to the time. A man's action hath a proper life of its own, and it leaves a permanent effect, or is productive of the same by a continuing emanation; this if it be foreseen and considered and chosen, is as imputable as if it were present or immediate. But because a man can see but so far, and hath a limited efflux and impression by all his actions, he is not to be judged or condemned by any thing that shall happen beyond that proper extension; and if some Polonians or Transylvanians, English or French, make ill use of the arguments of Arius, it is not to be supposed that it shall be put upon Arius his account at the day of judgment, and that his or any man's damnation shall increase upon such accounts, which as they are beyond the intention of the man, or the efficacy of his action, so also beyond the distance of his prevision.

§ 7. But for this that rule which is nearest to exactness is this, No effect which happens after a man's death is imputable to him as a new sin. So far as it was actually intended and designed in his lifetime, or foreseen and not reversed, so far it is imputed upon the stock of the present malice, not of the future event; his own act and his own intention for the present, and his actual design of the future, are sufficient load upon him; but then because his act and his actual design could not live after his death, therefore nothing beyond the life of the man can be a new sin; because as he cannot actually or habitually will that event, so neither can he rescind it. If he cannot will it in any sense, it can in no sense be imputed, but if it could be willed, then it may also be refused and rescinded; which because it is impossible, therefore the increase of evil stands not at his door that occasioned it, and cannot either will it any more or hinder it. This is that which is meant by our blessed Saviour[k], "The night comes when no man worketh;" and whatsoever is beyond the line of life is also beyond the line of malice, and therefore cannot increase or begin upon a new score when the whole stock is spent.

§ 8. Lastly, that which proves all this does also further explicate the rule. Whatsoever event depends upon the will of another is so contingent in respect of him that first set the evil on work, that it is no longer upon his account than he actually or habitually desires it or endeavours: because now the evil hath a new cause, and every emergent event is upon such a cause as cannot be forced, or indeed produced by any thing besides itself; and therefore to itself only it is to be imputed, excepting where the malice of the first agent hath an actual or intended influx into the second.

[k] [John ix. 4.]

RULE V.

THE LAWS OF JESUS CHRIST ARE THE MEASURES OF THE SPIRIT, AND ARE ALWAYS TO BE EXTENDED TO A SPIRITUAL SIGNIFICATION.

§ 1. It was a fair character that was given of the Christians[1], *πείθονται τοῖς ὡρισμένοις νόμοις, καὶ τοῖς ἰδίοις βίοις νικῶσι τοὺς νόμους*· 'they obey the laws appointed for them, and by the piety and charity of their lives excel even the measure of the laws themselves.' For by what instance soever God would be glorified, and by what charity soever our brother can be relieved, and by what justice societies are established and continued, in all that they exercise themselves according to their whole power, and would do more if they could, and sometimes do more than they are required: and oftentimes with better circumstances than are exacted, and always with a mind more ready than their hand.

§ 2. Human laws can exact but the outward action, they neither can command the understanding nor judge the will, because they cannot secure that nor discern this; and without these two their interest is well enough preserved. He that pays my money though it be against his will does me justice and is quit before the king, and if he dissembles, yet if he gives me good words I cannot implead him of calumny or slander. Thus the pharisees understood the law of Moses[m], and called him innocent whom the laws could not charge; but therefore Christ calls them to new accounts. He that offers a pure lamb to God may dishonour Him with a foul thought; and no sacrifice is pure by the skin and colour, but by the heart and hand of him that presents it. Acts of external religion are publications of the divine honours, but the heart does only pay them: for there it is that God does sit judge alone, and though He hath given us bodies to converse below with a material world, yet God's temple is in heaven, in the intellectual world; and the spirit of a man is the sacrifice, and his purest thoughts are oblations, and holy purposes are the best presents, and the crucifixion of our passions is the best immolation, the only beasts of sacrifice, and the cross of Christ is the altar, and His passion is the salt of all our sacrifices, and His intercession makes the sweet perfume; and so atonement is made by the blood of the Lamb, and we are accepted in our services, and our wills are crowned with the rewards of a holy obedience. If our hearts be right our services will never be wanting or rejected, and although our hearts can supply the want of external power, yet it is certain that nothing can supply the want of our hearts, and of good affections; these must be entire, for they are God's peculiar portion, and

[1] Per scriptor. ad Diognetum. [Just. Mart., p. 236 B.]
[m] [Matt. vi. and xxiii.]

therefore must not be divided. Plutarch[n] tells of Apollodorus that he dreamed he was taken by the Scythians, flayed alive and then cut in pieces and thrown in a boiling caldron, where his heart leapt forth into the midst of all the little portions of flesh, and told them, 'I am the cause of all this evil.' It was something like that saying of S. Bernard[o], *Nihil ardet in inferno nisi propria voluntas*, 'nothing burns in the eternal flames of hell but a man's heart, nothing but his will:' for "from the heart proceed evil thoughts, adulteries," &c., said our blessed Saviour[p]: but therefore God requires the heart, that is, that the principle of actions be secured, and the *principalis domus*, the chief house where God loves to dwell and reign be kept without thieves and murderers. This then is the first sense of the rule, that our obedience which Christ exacts is a sincere obedience of the will, and is not satisfied with the outward work. He that gives alms to the poor, and curses them in his heart; he that entertains an apostle in the name of an apostle, and grudges the expenses of his diet, is neither charitable nor hospitable, and shall neither have the reward of an apostle nor a brother. In vain it is to wash a goblet if you mean to put into it nothing but the dead lees and vapp of wine; and a fair tomb of amber was too beauteous and rich an enclosure for Martial's[q] viper and his fly,

Introrsus turpem, speciosum pelle decora[r].

But this is a caution against hypocrisy in the moral sense of the words, but the legal sense of the rule is, that in all laws, the first intention is that God be served with the will and the affections, and that these be never separated from the outward work.

§ 3. But it is also meant that the whole design of the laws of Jesus Christ is to be perfective of the spirit, and His religion is a spiritual service; that is, permanent and unalterable, virtuous and useful, natural and holy, not relative to time and place, or any material circumstances, nor integrated by corporal services: the effect of which is this;

§ 4. 1) The body of the christian services does wholly consist of natural religion, that is, such services whereby we can glorify God and represent our own needs; that is, prayers and eucharists, acts of love and fear, faith and hope, love of God and love of our neighbour, which are all those things by which we can be like God, by which we can do good and by which we can receive any: and excepting the sacraments, whose effect is spiritual, and the sense mysterious, and the rites easy, and the number the smallest of all, there is in the digest of the christian law no commandment of any external rite or ceremony.

§ 5. 2) As it intends wholly an exclusion of the mosaic ceremonies, so it will not admit a body of new and superinduced ceremonies;

[n] De iis qui tarde a numine puniuntur. [tom. viii. p. 196.]

[o] [vid. S. Bernard. de resurrect. Dom., serm. iii. col. 173; cf. vol. v. p. 598.]

[p] [Matt. xii. 34; xv. 19.]

[q] [lib. iv. epigr. 59, 32, et vi. 15.]

[r] [Hor. epist. i. 16. 45.]

for they are or may be as much against the analogy of the spiritual law of Christ, as the other. The ceremonies of the christian services must be no part of the religion, but either must be the circumstances of the religion, or the imperate acts of some virtue. The Christian must be in a place when he prays, and that place may be determined, and thither he must go, and yet he may go any whither else; his action is finite and must be done in time, and that time may be appointed him, and then he must do it at that time, and yet he may do it at any time else. If he be commanded by his superiors to pray kneeling, he must kneel at the appointment of the law; and yet he may in his own devotions at another time fall upon his face or pray standing. But the christian and the mosaic ceremonies thus differ:

α) The mosaic rites were appointed by God, the christian only by men.

β) Consequently they are necessary parts of the religion, these are not.

γ) The mosaic ceremonies did oblige every where, the christian only in public.

δ) They were integral parts of the religion, these are but circumstances and investitures of the religious actions.

ε) These are to be done with liberty, but the Jews were in bondage under theirs.

ζ) Ours are alterable, theirs lasting as their religion.

η) Theirs were many and burdensome, ours ought to be few; of the number of which our superiors are to judge by charity, and the nature and common notices of things, and the analogy of the liberty and laws of christianity. But although there are no publicly described measures beforehand by which princes or prelates shall appoint the number of their ceremonies, yet there is in reason and common voices sufficient to reprove the folly of him who because he would have his body decently vested shall wear five and twenty cloaks: *stola et tunica*, something for warmth and something for ornament does well; but she that wears so many adornments on her head and girdle that it is the work of half a day to dress her, is a servant of the tiar of her own head, and thinks neither her soul nor her body, but her clothes, to be the principal. By this I intend to reprove the infinite number of ceremonies in the Roman church; they are described in a great book in *folio*,

Quem mea non totum bibliotheca capit*:

'my purse will not reach to buy it;' but it is too like the impertinency of the busily idle women I now mentioned: and although by such means religion is made pompous and apt to allure them that admire gay nothings and fine prettinesses, yet then it also spends their religious passions and wonder in that which effects nothing upon the soul. It is certain that actions of religion must be fitted with all

* [Mart., lib. xiv. epigr. 190.]

those things which minister to decent and grave and orderly and solemn actions; but they must be no more but a just investiture of the religious action; and every thing can distract us in our prayers, and all the arts of watchfulness and caution are too little to fix our intentions in them, and therefore whatsoever can become a proper entertainment of the mind, can also be a diversion of the devotion and a hindrance to the prayer. The sum is this, Ceremonies may be the accidents of worship but nothing of the substance: this they were among the Jews, that they may be amongst the Christians; time and place for the action, habit and posture for the men, that's all that religion needs; whatsoever else is grave and decent, and whatsoever else is orderly is not to be rejected; but if it be not these, it is not to be imposed, and when they become numerous or grievous they are to be removed by the same lawful hand that brought them in.

§ 6. 3) In the christian law all purities and impurities are spiritual, and the soul contracts no religious charge without her own act. He that touches a dead body, though he does not wash, may lift up pure hands in prayer; but if his soul be unclean, no water, no ceremony will wash him pure without repentance:

> Ah nimium faciles, qui tristia crimina cædis
> Fluminea tolli posse putetis aqua[t].

It had been well if in all ages this had been considered, and particularly in the matter of marriage: for when single life was preferred before the married for the accidental advantages to piety (especially in times of persecution) which might be enjoyed there rather than here, some from thence extended their declamation further, and drawing in all the auxiliaries from the old law, began to prefer single life before marriage, as being a state of greater purity, and then by little they went on thinking marriage to be less pure, till at last they believed it to be a state of carnality; and with the persuasions of men effected by such discourses were also mingled the discourses of heretics, who directly condemned marriage; and that which descended from this mixture of doctrines, some false and the others not true, was a less honourable opinion of that holy institution on which God founded the first blessing of mankind, and which Christ hath consecrated into a mystery, and the holy Spirit hath sanctified by the word of God and prayer, and which is the seminary of the church, and that nursery from whence the kingdom of heaven is peopled[u]. But if marriage be lawful, then he that lives in that state as he should, contracts no impurities, but is capable of any holy ministry, and receptive of any sacrament, and fit for any employment, and capable of any office, and worthy of any dignity. Let them who have reason and experience to verify their affirmative speak all

[t] [Ovid. fast., lib. ii. 45.]

[u] [Compare the sermon 'on the marriage ring,' vol. iv. p. 211.]

the great things of single life that can be said of it; and they may say much, for the advantages are many which are in a single life, and in a private state, and an unactive condition, and a small fortune, and retirement; but then although every one of these hath some, yet a public state, and an active life, and a full fortune, and public offices, and a married life, have also advantages of their own, and blessings and virtues appropriate; and in all God may be equally served, according as the men are, and the advantages neglected or improved. But that which I insist upon is, that to be rich is no sin, and to be a public person is no crime, and to be married is no impurity; and therefore to suspect a disproportion between this state and spiritual actions or offices, is a jealousy whose parent is heresy, and pride and interest are its nurses. Fornication is uncleanness, and concubinate and voluntary pollutions and unnatural lusts are uncleanness, and makes us unworthy to approach either to the altar or to the rails, but marriage that fills heaven makes no man unfit for churches or holy offices.

§ 7. Upon this account I am also to take away those scruples which have been thrown into men's consciences by some indiscreet persons, concerning involuntary pollutions; concerning which we find many absurd stories of friars, and of pretended temptations and spites of the devil to hinder them from receiving the holy sacrament, by procuring such accidents to them before the solemnity: which persuasion was wholly upon this account, that the spirit could be polluted by something that is without, and that the accidents of the body could defile the soul, and this and the like were the accidents that could do it. In which cases it is without all peradventure true, that if the soul consented not before or after, neither nature nor nature's enemy are to be taken into the accounts of just dispositions or indispositions to spiritual ministries: if we serve God with our whole mind and with all our heart, and do what we can that is good, and avoid all evil that we can avoid, we cannot be prejudiced by what we cannot avoid.

§ 8. 4) Although the spirituality of the gospel excludes all shadows of ceremonies and all bodily rites from being of the substance of religion, yet this spirituality does not exclude the ministry and service of the body: for the worship of the body may also be spiritual; to worship God with our bodies is λογικὴ λατρεία[v], a 'reasonable,' and therefore a 'spiritual worship.' Thus when the eyes are lift up in prayer, when the bowels yearn with pity, when the hands are extended to fill the poor man's basket, the body serves the spirit, and the spirit serves God, and all is a spiritual religion. But because a bodily religion such as was that of the Jews cannot be a spiritual religion such as must be that of the Christians, and yet the service of the body is also a part of the ministry of the spirit; the rule

[v] [Rom. xii. 1.]

which can determine our conscience in the instances of this article is this:

WHATSOEVER IS AN ELICIT OR IMPERATE ACT OF VIRTUE, WHETHER IT BE ACTED BY THE SOUL OR BY THE BODY, IS AN ACT OF SPIRITUAL RELIGION.

For in virtues there is a body and a soul, and all transient actions, or *ad extra*, have something of materiality in them which must be ministered to by the body. For therefore our blessed Lord hath commanded mortification of our bodies, that our bodies may become spiritual; and as acts of understanding are ministered to by material phantasms, so are the most spiritual acts of virtue, the love and the fear of God, by sad spectacles and gracious accidents, by feeling good and suffering evil; and as the actions of discerning sensitive objects are direct products of the soul, but yet have for every one of the faculties a proper organ in the body, so have the virtues of a Christian; they are acts and habits of a sanctified soul, but to some the hand does co-operate, to some the eyes, and to some all the body, that as the graces of the soul are commencements and dispositions to glory, so these spiritual ministries of the body may nourish it and dispose the body to its perfect spirituality in the resurrection of the just.

§ 8. But then these ministries of the body are then only to be adjudged a spiritual service, when the soul and the body make but one entire agent; just as when the soul sees by the eye, we say the eye sees, because that seeing is the action or passion of the soul, which uses that organ in her operation: so when the act of the body and soul is but one and the same product of religion, it is the soul and the spirit which is the principal agent, and from thence the action must be denominated to be spiritual. But as when the eye is made to twinkle and look spritefully, or amorously, or is proposed as a piece of beauty and does something of its own, but no natural and proper ministry of the soul, it is the instrument of vice or vanity and not of the soul; so it is in the services of the body: if the body of our services be not the product of the soul, and the imperate act of some virtue, or the proper specific act of some grace, it can never be a part of the religion. S. Paul[w] hath given us perfect measures in this enquiry; 'to give our body to be burned, to give all our goods to the poor, to have all faith,' are but the bodies and outsides or material parts of our religion, and are good for nothing: but when all these proceed from charity, that is, from a willing, a loving spirit, from a heart that is right to God, that is desirous to please Him, then faith justifies, and giving gifts to the poor is true alms, and giving our bodies to the fire is a holy martyrdom: and in this sense dressing bodies to their burial is an act of spiritual grace, to

[w] [1 Cor. xiii. 3.]

adorn places of prayer, to build them and fit them for the service of God, is an act of spiritual religion, to minister to the poor, to dress children, to make them clean, to teach them their catechisms, though bodily ministries, are yet actions of the spiritual religion of a Christian. But from this those things only are excluded which either are not the direct productions of a sanctified soul, or proper and prudent ministries to some virtue.

§ 9. 5) The spirituality of the laws of Jesus Christ have yet one effect more. In all contrasts or interfering of laws, or senses of the laws, the spiritual sense is to be preferred, the spiritual action is to be chosen. By which it is not meant that ever there can be a dispute between the act of the mind and an act of the body; because as no man and no thing can hinder the soul from willing or understanding, from loving or hating, from fearing or slighting, from valuing or neglecting its proper object, so the act of the body which is to minister to the soul cannot stand in contradiction to that to which in the very nature of the thing it is subordinate. But the meaning is, when laws are to be expounded, that sense is to be chosen which more relates to an act of grace than that which is nothing but an external ministry: thus, if the question be between the beautifying of a chapel or the rescuing of the poor from famine, although that might be an act of spiritual religion, when religion requires that specification of an act; yet because that hath less of the spirit in it than the other, and is not required in the presence of the other, this is to be adjudged the more spiritual, because it is the more holy. If the question be between keeping of a holy day, or doing charitable reliefs to necessitous people, Christ in the instance of the sabbath hath taught us to prefer charity before external ministries, obedience before sacrifice, mercy before oblations; and did not only make way for the taking off all mere bodily rites, but also for the expounding His own laws to the more spiritual sense, that is, to the compliance with the most excellent and useful grace. So also for the exposition of laws expressed by material significations, as cutting off the hand, plucking out the right eye, eating the flesh of Christ, drinking His blood, the flesh, that is, carnal commentaries profit nothing; but these words are spirit and life; that is, they are neither to be understood nor practised in the material but spiritual sense.

§ 10. But as to the general conduct of the conscience in all these enquiries, the rule is this: all acts of virtue are to be preferred before the instruments of it, and that which exercises it before that which signifies it, and the inward acts before the outward. Thus when fasting is appointed in order to prayer, and yet both cannot be together, (for that by fasting we are disabled to pray) there it is, that prayer must be preferred and fasting let alone. If corporal austerities be undertaken for mortification of a rebellious body, if they hinder the body in the direct ministries to the soul in other cases, and become uncharitable, charity is to take place, and the

austerities may be supplied by something else. Now this rule hath in it no exception nor variety but this, that it is to be understood in instances of corporal and spiritual acts that are of a disparate nature, and but only accidentally subordinate, as fasting to prayer, keeping holy days for the special ministries of religion, lyings upon the ground to chastity, and the like: but in the actions external, which are proper exercises of a virtue, the external which is directly, naturally, or by institution subordinate to the internal, must never be omitted upon pretence of preferring the internal; because they never can contradict one another, as it never can be disputed whether the soul or the eye shall see: for the soul sees by the eye and cannot see without it; and it may so happen in the external acts of virtue ministering to the internal, as in some cases a man is not charitable, unless he extends his hand to the poor, or lifts him out of a ditch, or guide him in the way. This instance and sense of the rule we learn from S. James[x]: "if a brother or a sister be naked and destitute of daily food, and one of you say unto them, be ye warmed and filled, notwithstanding ye give them not those things which are needful to the body, what doth it profit?" That is, it is in vain to pretend internal charity without the external; in many cases it cannot be without it, and when it can, it is because there is no object for the act, or no possibility to do it; and then the internal is to be done not by way of preference to the external, but in destitution of it and supply. But this will be yet further explicated in the following rule.

RULE VI.

THE IMPERATE ACTS OR OUTWARD EXPRESSIONS OF THE VIRTUE OF ONE COMMANDMENT MUST NOT CONTRADICT THE ELICIT ACTS OF ANOTHER.

§ 1. By imperate acts I mean such which are commanded to be done by the interest of any virtue whatsoever, not proper to the virtue, but such as may minister to it or signify it. Thus to deny the impure solicitations of an unchaste person is a proper, an elicit act of the virtue of chastity; but to lie upon the ground, to wear an hairen shirt, to use disciplines, to roll our naked body upon thorns, to sleep in snows, are imperate acts; that is, such which the virtue may choose and exercise for its own advantage and interest, but such which are not necessary to any man in particular, nor to most men in the general; useful indeed in some cases but not necessary in any. To eat and drink sparingly and so as may minister to health and religion is

[x] [James ii. 15.]

directly, that is, a proper and elicit act of temperance; but if a man spares to eat that he may have wherewithal to pay his debts, it is an imperate act of justice; if to make himself healthful and strong to war, it is an act of fortitude. The terms being so explicated, the measures of the rule are these following particulars.

§ 2. 1) The elicit acts of several virtues can never be contrary to each other; as an act of religion is never against an act of charity, chastity is never against justice, temperance is never against piety. The effect of which proposition is this, that one ought not to be pretended against another, and no piety to parents can engage us to be drunk for their sakes, no pretence of religion can make it lawful to neglect the care of our children; and to this purpose was that excellent precept of the son of Sirach[y], 'Let not the reverence of any man cause thee to sin;' it is no good manners to comply with our superiors against our supreme, and there is a time and a place for every virtue, but no time nor place, no cause or opportunity of doing against any. It may so happen that the external actions of several virtues cannot consist, as sometimes I cannot pay the gabel to the prince and the offering to the priest; I cannot feed my child and the poor that begs; I cannot at some times tell truth and yet preserve the life of my brother. Now when the two external elicit acts of virtue are inconsistent, the one must of necessity give place; the rules of which are to be given more properly in another place[z]: but that which for the present I am to say, is this, that although the outward act cannot at all times be exercised and so must in certain cases be omitted, yet in no case can it be lawful for the interest of one virtue to do against another.

§ 3. 2) The imperate acts of one virtue may contradict the imperate or instrumental and ministering acts of another; as fasting when it is commanded by religion may be against the advice of our physician, whom to observe it is sometimes a precept of prudence, sometimes of charity. Religion commands us sometimes to feast, and at the same time our charity bids us save our expense, that the poor may be fed the more plentifully. The reason of this is because all the imperate acts of virtue are external and must depend upon something from without: which because it can unavoidably be hindered, it must needs also be that it may inculpably be omitted. But then the rule is this, because all imperate acts of virtue are nothing in themselves but wholly in relation to the virtue, that imperate act which ministers to that virtue which is then to be preferred, must also be preferred. The reason is plain: the accessory must follow the nature of the principal; and therefore if we must now prefer the virtue, we must also prefer the instrument. The case is this: Don Antonio Licente of Portugal, according to the Portuguese and Spanish vanity, loved to see his wife painted, and one evening commanded her to appear with him so disguised at a masque; she having notice that a

[y] [Ecclus. iv. 22.]

[z] Lib. iii.

young gentleman who was passionately in love with her would be there, and knowing that it would enflame his passion if she were so adorned, enquires of her confessor by what means she should restrain the folly of that *inamorato*, and receives this amongst other advices, that at no hand she should appear before him with any artificial handsomeness. If she obeys her husband's humour at that meeting, she does hurt to a soul, and gives fuel to an impure flame which already is too big: if she does not obey him in that instance, her husband will lose the pleasure of his fancy. But because she finds there is no other evil will be consequent to her omission, but that her husband shall want a little fantastic pleasure; and the consequent of her obeying him would be (for aught she knew) that God might lose a soul: she chose to do an act ministering to spiritual charity and the chastity of her brother, rather than an act that could be instrumental to nothing but the airy pleasure of her husband; though otherwise she had been bound to signify her obedience to him by any thing that had been lawful.

§ 4. But in this there is some variety, and ought to be some caution. For although the principal virtue is to be preferred not only in itself or in its proper and elicit acts, but also in its imperate and instrumental; yet this is to be understood to be true, when the instruments are in equal order to their respective virtues, or when there is no considerable difference. For if the action in question ministering to the less principal virtue do very much promote it, and the other which is instrumental to the more principal do it but an inconsiderable advantage, the ministry of the less principal is in that case to be preferred: the reason is, because by this omission of an inconsiderable instrument the present duty is not hindered; but the service of God is advantaged in the other, because it is able to effect something that is considerable toward the service of God, which the other is not. The case is this: I knew a brave man who by a conspiracy of evil persons was condemned to die; he having of a long time used to fast till the morning office was completed, because he found fasting to be practised by antiquity, and by holy persons in their more solemn offices, and thinking it might or did him some advantage in order to the bettering of his prayer, did think to do so in the morning before his execution. But then on the other side he considered that if he fasted he should suffer a great diminution of spirits, and possibly might be suspected of pusillanimity if he did suffer a natural lipothymy, and therefore could not tell what he should do. He was sure that to acquit himself before God in his duty was much to be preferred before the other of appearing brave and hardy before men, and therefore that his private prayers were more to be regarded than his public confidence, and therefore was choosing to fast: but then he reflected on the actions instrumental again, and considered that his abstinence from a little meat would bring but a very little and inconsiderable advantage to his prayers,

but his eating would very much strengthen his heart, and do him a very considerable advantage that way, he chose this, because the other could easily be supplied by the intenseness of his spirit, his zeal, and his present necessity, but this could not but by natural supplies and supportations of the strengths of the body.

§ 5. But in the like cases prudence and the conduct of a good guide is the best security to him that enquires with an honest heart and pure intention; and then the determination is best, and the conscience is safest when both can be reconciled: but when they cannot, the former measures are to be observed.

§ 6. 3) Those actions which can only signify or serve the interest of virtue by way of collateral advantage and indirect ministry, must ever give place when they hinder the proper acts of any virtue whatsoever. Fasting must never be used when to fast is against charity; because charity is directly commanded, but fasting is relative to something else, and is not commanded for itself. Now in those things which are of a disparate nature, a principal is ever to be preferred before an instrument, and an act of duty before an act of prudence, and necessity before convenience.

§ 7. 4) But in things subordinate, that is, when the outward act is an elicit act of virtue, and truly subordinate to the internal, there can be no contradiction of one to the other, but the outward act and the inward must be both performed; that is, neither of them must be pretended in objection to the other, for they cannot hinder each other; but the outward can be hindered only by something from without, but the inward by nothing. So that in order to conscience, the rule is this; he that does an inward and elicit act of virtue, will certainly if it be in his power, do the outward elicit act: that is, the hand will move at the command of the will, and the foot will go if it be commanded, and if the soul be charitable the hand will be apt to minister. For it is not well within, unless it be well without, that is, unless the virtue express itself in outward action where it can. And on the other side, an outward elicit act of virtue can never go alone, unless it be the product of a good heart and of an inward elicit act; it is the imperate act of pride, or ambition, or a vicious fear, or covetousness, or something criminal, but neither the imperate nor the elicit act of any virtue whatsoever.

§ 8. 5) Though the words of art here used be not common, yet the practice of these rules in the questions of conscience will not be difficult if we shall but with some diligence observe but the difference of external actions, and be able to discern what outward actions are the elicit or proper, and which are the imperate and instrumental acts of virtue; because these being to give place to other acts by the events and constitution of their own nature, and the other never but when they are hindered from without, our duty will be easy when we once understand of what nature the outward action is. The rule therefore for the direction of our conscience in this affair is this;

Those actions which either are commanded by name and in particular, or by direct and proper consequence from the general, they are the elicit and proper actions of a virtue. Thus to give alms is a proper and elicit act of charity; to condemn the criminal is a proper act of justice; to speak well of all men behind their backs, so far as we can with truth, is an elicit act of equity. But whatever is of that nature that it can be done innocently and yet not be an act of virtue properly, that only is instrumental to a virtue, and is an imperate action. Thus to invite rich men to a feast may be done prudently and without scruple, but he that does so and no more shall have no reward in heaven for it: but yet to invite rich men to a banquet may minister to friendships or peace, or it may obtain relief to a poor oppressed brother, and then it may be a good instrument of that virtue to which by accident or the personal intention of the man (not the natural order or intention of the thing) it does minister.

By the serious observation of this difference of acts we may be guided in many cases of conscience, and in the interpretation of some of the laws of our religion.

RULE VII.

WHEN ANY THING IS FORBIDDEN BY THE LAWS OF CHRIST, ALL THOSE THINGS ALSO BY WHICH WE COME TO THAT SIN ARE UNDERSTOOD TO BE FORBIDDEN BY THE SAME LAW.

§ 1. In this there is one great difference between positive and negative laws: when any thing is commanded or enjoined, to take or use any instrument to it is left to our choice, and is matter of prudence and not duty. As when we are commanded to mortify the lusts of the body, we are not commanded to lie upon the ground, or to masticate rhubarb, or to go barefoot, or to put on S. Francis his girdle upon the bare body: as we find these actions aptly instrumental to the duty, and fitted to the person, so we may use them; but if the fear of hell or the hopes of heaven can mortify us sufficiently to all the purposes of the Spirit, or if he who is married be not tempted, or he who is unmarried be by nature abstinent, or by disease and imperfection, these instruments are out of use as to these purposes. For here nothing is under command but the duty itself; and if by any good instrument it be done, it is all one as to the law. But in negative precepts the case is otherwise; for the crime is not only to be abstained from, but every instrument of it, every path that leads to it, whatsoever can begin or promote it: and the reason

is, because all these things are of the same nature with the sin, and therefore although every thing that is or may be good is not commanded, yet every evil is forbidden. One fly can spoil a pot of ointment: but this we are plainly taught by our blessed Saviour's sermon in the mount, where He expounded the precepts of the ancients not only to signify the outward act, but the inward desire: and in this our blessed Master's law is much more perfect than the digest of Moses; for although there also God forbad concupiscence, yet it was only instanced in the matter of covetousness, and was not extended to the other instances of duty; but in Christ's law, *Non concupisces* is the *apex juris*, it is the conservatory and the last duty of every commandment.

> Nam scelus intra se tacitum qui cogitat ullum
> Facti crimen habet[a].———

He that thinks a lustful thought hath broken a commandment; and if the eye be full of adultery, or the mouth be impure, or the hand be unclean, the whole man is polluted before God, and stands guilty of the breach of the main law. *Exercetur atque aperitur opere nequitia, non incipit.* The deed tells the heart, and opens the shop of crimes, but they begin in the heart, and end in the outward work.

§ 2. *a*) But in this there is no difficulty; for God being Lord of all our faculties, and the searcher of hearts, and the judge of our thoughts, He must be served by all, and He searches that He may judge all, and judges that He may punish or reward all. But the rule is only thus to be limited, that in those sins whose being criminal is wholly relative to persons with whom we converse, every thought is not a sin unless that thought also be relative: as he sins not that thinks a lie, if he resolves not to abuse any body with it; and a man may love to please himself with false news, and put on a fantastic confidence and persuasion of the truth of what he would fain have to be true, though to his reason it seem improbable. In this there is some folly, but no malice: but to lie is a relative action, and if he have but a thought or purpose to abuse the credulity of any one, then that thought or purpose is a lie; that is, it is of the same nature with a lie, and therefore of the same condemnation. The case is the same in all things which are forbidden only because they are uncharitable, or unjust to my brother, but are permitted when they are otherwise.

§ 3. *β*) But the intention of the rule is more, for it means that all the addresses and preparations to criminal and forbidden actions are also forbidden. Thus because Christ gave a law against fornication, He hath also forbidden us to tempt any one to it by words, or by wanton gestures, or lascivious dressings, and she fornicates that paints her face with idle purposes.

[a] [Juv. sat. xiii. 209.]

§ 4. γ) It is also meant concerning temptations to a forbidden instance, for they also are forbidden in the prohibition of the crime: which is to be understood with these cautions:

§ 5. 1) If the temptation be in a natural and direct order to the sin, it is forbidden where the sin is. Thus because lusts of the flesh are prohibited, it is also our duty that we do not make provision for the flesh to fulfil the lusts of it. Eating high and drinking deep are actions of uncleanness, as well as of intemperance: and in the same proportion also is every thing that ministers directly to the lusts of the lower belly though in a less degree, as lying soft, studying the palate, arts of pleasure and provocation, enticing gestures; with this caution,

§ 6. 2) If the effect be observed in these less and lower instances then they are directly criminal; for whatsoever did bring a sin and is still entertained knowingly and choosingly, is (at least by interpretation) chosen for the sin's sake: but at first and before the observation it may enter upon another account, which if it be criminal, to that these instances are to be reckoned, and not to that sin to which they minister unknowingly.

§ 7. 3) Every temptation is then certainly to be reckoned as a sin when it is procured by our own act, whether the temptation ministers to the sin directly or accidentally; for if we chose it, it can have no excuse: *tute quod intristi tibi comedendum est*[b]: and unless the man be surprised, his choosing of an instrument to sin withal is not for the sake of the instrument, but for its relation; and this is true, although the usual effect does not follow the instrument. For there is sometimes a fantastic pleasure in the remembrances of sin, in the approaches of it, in our addresses to it: and there are some men who dare not act the foul crime, who yet love to look upon its fair face; and they drive out sin as Abraham did Ismael, with an unwilling willingness (God knows), and therefore give it bread and water abroad though no entertainment at home, and they look after it, and are pleased with the stories of it, and love to see the place of its acting.

> Hic locus, hæc eadem sub qua requiescimus arbor
> Scit quibus ingemui curis, quibus ignibus arsi.

And they roll it in their minds: now they that go but thus far, and love to tempt themselves by walking upon the brink of the river, and delight themselves in viewing the instrument of their sin, though they use it no further, they have given demonstration of their love of sin when they make so much of its proxy.

§ 8. But there are others who have great experience of the vanity of all sin, and the emptiness and dissatisfaction that is in its fruition;

[b] [Tute hoc intristi, tibi omne est exedendum:—Terent. Phorm., act. ii. sc. 2. 4.]

and know as soon as ever they have enjoyed it, it is gone, and that there is more pleasure in the expectation than in the possession: and therefore they had rather go towards it than arrive thither, and love the temptation better than the sin. These men sin with an excellent philosophy and wittiness of sinning; they love to woo always and not to enjoy, ever to be hungry and sitting down to dinner, but are afraid to have their desires filled; but if we consider what the secret of it is, and that there is in these men an immense love to sin, and a perfect adhesion to the pleasure of it, and that they refuse to enter lest they should quickly pass through, and they are unwilling to taste it lest they should eat no more, and would not enjoy because they will not be weary of it, and will deny any thing to themselves, even that which they most love, lest for a while they should loathe their beloved sin; we shall see reason enough to affirm these men to be the greatest breakers of the laws of Jesus Christ; though they only tempt themselves, and handle the instruments of sin, and although these instruments serve nothing but the temptation, and the temptation does not serve the sin, whither in its own nature it is designed.

§ 9. 4) If the temptation be involuntary, then it is not imputed: and yet this is to be understood with this provision, that it be neither chosen directly nor by interpretation; that is, that it be not entered into by carelessness, or confidence, or choice. If it be by choice, then it is directly against that law of Christ which forbids that sin whither the temptation leads; but if it enter by carelessness or confidence, it belongs not to this rule, for although every such temptation is against the laws of Christ, yet they are not under the same law by which the effect is prohibited, but unlawful because they are against christian prudence and christian charity.

RULE VIII.

THE SUPPOSITIVE PROPOSITIONS WITH THE SUPERVENING ADVICES OF OUR BLESSED SAVIOUR ARE ALWAYS EQUIVALENT TO MATTER OF DUTY, AND ARE BY INTERPRETATION A COMMANDMENT.

§ 1. THIS rule is intended as an explication of the precepts of prayer, alms, and fasting: all which our blessed Saviour in His sermon upon the mount expressed by way of supposition; which way of expression although it be not a positive and legal expression of a commandment, yet it either supposes a preceding law or a confirmed practice, or at least that those to whom such words are directed are willing and loving and obedient people, understanding the intimations and secret significations of the divine pleasure. 'When ye give alms do not blow

a trumpet,' said our blessed Saviour: 'when ye pray stand not in the corners of the streets: when you fast do not disfigure your faces.' Now concerning prayer and alms there is no difficulty, because our blessed Lord and His apostles have often repeated the will of God in express commandments concerning them; but because of fasting He hath said much less, and nothing at all but these suppositive words, and a prophecy that His disciples should fast in the days of the bridegroom's absence, and a declaration of the blessed effects of fasting; this hath a proper enquiry and a special difficulty, whether or no these words have the force of a commandment.

§ 2. Concerning which we may take an estimate by those other expressions of our lawgiver concerning alms, which we without further scrutiny know to be commandments, because in other places they are positively expressed; and therefore if we can find it so concerning fasting, this enquiry will be at an end. Now concerning this I will not only observe that the three great heads and representatives of the law, the prophets, and the gospel, Christ, Moses, and Elias, who were concentred and inwrapped in one glory upon mount Tabor, were an equal example of fasting, which in their own persons by a miracle was consigned to be an example and an exhortation to fasting to all ages of religion; and each of them fasting forty days upon great occasions told to them who have ears to hear what their duty is in all the great accidents of their life: but that which is very material to the present enquiry is, that this supposition of our blessed Lord, "when ye fast," was spoken to a people who made it a great part of their religion to fast, who placed some portions of holiness in it, who had received the influence of their greatest, their best, their most imitable examples for religious fasting; and the impression of many commandments not only relative to themselves as bound by such a law, but as being under the conduct of religion in general. Such was the precept of the prophet Joel[c], "Thus saith the Lord, turn ye even to Me, with all your heart, with fasting and with weeping and with mourning." Now whatever the prophets said that related to religion abstractedly, or morality, all that is evangelical (as I proved formerly in this book[d].) Besides there was an universal solemn practice of this exercise, under Joshua at Ai, under the judges at Gibeah, under Samuel at Mizpah, under David at Hebron; fasts frequently proclaimed, frequently instituted; at the preaching of Jeremy and Daniel, of Joel and Zechary; before the captivity, under it, and after it; in the days of sorrow and in the days of danger, in their religion solemn and unsolemn, after they had sinned and when they were punished; at Jerusalem among the Jews, and at Nineveh amongst the gentiles. Now because it is certain that all this could not be confined to the special religion of the Jews, but was an expression and apt signification and instrument of a natural religion, our blessed Saviour needed not renew this and efform it

[c] [Joel ii. 12.] [d] Chap. ii. Rule 5. [p. 411.]

over again into the same shape, but had reason to suppose the world would proceed in an instance whose nature could not receive a new reason and consequent change in the whole.

§ 3. This heap of considerations relates to that state of things in which our blessed Saviour found this religious exercise at His coming. Now if we consider what our blessed Saviour did to it in the gospel, we shall perceive He intended to leave it no less than He found it: for first, α) He liked it and approved it, He allowed a time to it, a portion of that by which God will be served; and He that gave us time only to serve Him and in that to serve ourselves, would not allow any time to that by which He was no way served. β) We cannot tell why Christ should presuppose that a thing was to be done, which God did not require to be done: such things Christ used to reprove, not to recommend; to destroy, not to adorn by the superfetation of a new commandment. γ) These words He speaks to His disciples in the promulgation of His own doctrine, in His sermon upon the mount, which is the great institution and sanction of the evangelical doctrine; and therefore left it recommended and bound upon them by a new ligature, even by an adoption into the everlasting covenant. δ) He represents it equally with those other of prayer and alms, which in this excellent digest of laws He no otherwise recommends, but as supposing men sufficiently engaged to the practice of these duties; 'when ye pray enter into your chamber, and when ye pray say Our Father, and when ye fast, be sincere and humble.' ε) He that presupposes does also establish; because then one part of the duty is a postulate and a ground for the superstructure of another, and is sufficiently declared by its parallels in the usual style of scripture: "My son, when thou servest the Lord prepare thy soul for temptation," so the son of Sirach[e]: and again, "When Thou hearest forgive[f]:" and again, "When thou art afflicted call upon Him:" which forms of expression suppose a perfect persuasion and accepted practice of the duty, and is more than a conditional hypothetic. *Si jejunatis* hath in it more contingency, but *cum jejunatis* is an expression of confidence and is gone beyond a doubt. ζ) That exercise which Christ orders and disposes, which He reforms and purges from all evil superinduced appendage is certainly dressed for the temple and for the service of God; now this of fasting Christ reforms from its being abused, as He did prayer and alms, and therefore left it in the first intention of God and of a natural religion, to be a service of God, like that of bowing the head, or going to worship in the houses of prayer. η) To this duty He promises a reward; 'Our heavenly Father that seeth thy fasting in secret shall reward thee openly:' that is, its being private shall not hinder it from being rewarded, for God sees it, and likes it, and loves it, and will reward it.

§ 4. Now for confirmation of all this, and that this was to this purpose so understood by the disciples and followers of our Lord:

[e] [Ecclus. ii. 1.] [f] [1 Kings viii. 30.]

S. Paul[g] was "in fastings often;" and this was a characteristic note of the ministers of the gospel[h]: "In all things approving ourselves as the ministers of God; in much patience, . . in watchings, in fastings:" and when Paul and Barnabas were ordained apostles of the uncircumcision, they fasted and prayed and laid their hands on them, and so sent them away[i]; and esteemed this duty so sacred, that S. Paul[j] permitted married persons σχολάζειν 'to appoint vacant times' from their endearments, that they may give themselves to fasting and prayer: and the primitive Christians were generally such ascetics in this instance of fasting, that the ecclesiastical story is full of strange narratives of their prodigious fastings.

§ 5. Lastly, fasting is an act of many virtues: it is an elicit and proper act of temperance, and of repentance, and of humiliation, and of mortification of the flesh with its affections and lusts; it is an imperate and instrumental act ministering to prayer, and is called a service of God. So the good old prophetess served God night and day in fasting and prayer[k]: and that which serves God, and ministers so much to religion, and exercises so many graces, and was practised by the faithful in both testaments, and was part of the religion of both Jews and gentiles, and was the great solemnity and publication of repentance, and part of a natural religion, and an endearment of the divine mercy and pity; that which was always accounted an instrument of impetration or a prevailing prayer, which Christ recommended and presupposed, and adorned with a cautionary precept, and taught the manner of its observation, and to which He made promises, and told the world that His heavenly Father will reward it; certainly this can be no less than a duty of the evangelical or christian religion.

§ 6. But yet although it be a duty, yet it is of a nature and obligation different from other instances. When it relates to repentance, it is just a duty, as redeeming captives is commanded under the precept of mercy; that is, it is the specification or positive exercise and act of an affirmative duty: it is a duty in itself, that is, an act whereby God can be served; but it becomes obligatory to the man by other measures, by accidental necessities and personal capacities, in time and place, by public authority and private resolution. Not that a man cannot be said to be a true penitent unless he be a faster: but that fasting is a proper, apt, natural, usual, approved expression, and an exercise of repentance; it is more fitted to the capacities of men and usages of religion than any other outward act, it hath some natural and many collateral advantages more than other significations of it; and it is like bowing the head or knee in prayer, and is to repentance the same outwardly as sorrow is inwardly, and it is properly the penance or repentance of the body, which because it hath sinned must also be afflicted, according to that of

[g] [2 Cor. xi. 27.] [h] [2 Cor. vi. 4.] [i] [Acts xiii. 3, 4.]
[j] [1 Cor. vii. 5.] [k] [Luke ii. 37.]

S. James[1], "Be afflicted, and mourn and weep, let your laughter be turned to mourning, and your joy to heaviness; humble yourselves in the sight of the Lord:" that is, repent ye of your sins: for all these expressions signify but this one duty; and this great exercise and signification of it is so much a duty in the general, that it cannot be omitted without good reason, nor then neither unless it be supplied by something else, in its just time and circumstances.

§ 7. In order to other ends fasting is to be chosen and preferred before instruments less apt, less useful, less religious; that is indeed, before the imperate and ministering acts of any kind whatsoever; for it is the best in many respects, and remains such unless it be altered by the inconveniences or healthlessness of the person.

RULE IX.

THE INSTITUTION OF A RITE OR SACRAMENT BY OUR BLESSED SAVIOUR IS A DIRECT LAW, AND PASSES A PROPER OBLIGATION IN ITS WHOLE INTEGRITY.

§ 1. THIS rule can relate but to one instance, that of the holy sacrament of Christ's body and blood; for although Christ did institute two sacraments, yet that of baptism was under the form of an express commandment, and therefore for its observation needs not the auxiliaries of this rule. But in the other sacrament the institution was by actions, and intimations of duty, and relative precepts, and suppositions of action, as *quoties feceritis*, and the like. Now whether this do amount to a commandment or no is the enquiry; and though the question about the half-communion be otherwise determinable, yet by no instrument so certain and immediate as this.

§ 2. In order therefore to the rule of conscience in this instance, I consider, that an institution of a thing or state of life by God and by His Christ, is to be distinguished from the manner of that thing so instituted. When a thing is instituted by God it does not equal an universal commandment, but obtains the force of a precept according to the subject matter and to its appendent relations. Thus when God instituted marriage, He did not by that institution oblige every single person to marry; for some were eunuchs from their mothers' wombs, and some were made eunuchs by men, and some made themselves eunuchs for religious and severe ends, or advantages of retirement and an untroubled life. But by this institution (say the doctors of the Jews) every man was at first obliged, and so they are still, if they have natural needs or natural temptations: but because the in-

[1] [Chap. iv. 9, 10.]

stitution was relative to the public necessities of mankind, and the personal needs of a man, therefore it was not an universal or unlimited commandment; but only so far as it did minister to the necessary end, so far it was a necessary commandment. It was not instituted for eunuchs; but for whom it was instituted, to them it was a remedy against sin, and the support of the world, and the original of families, and the seminary of the church, and the endearment of friendships, and the parent of societies: and until the necessities of the world were abated, and the needs of single persons were diverted, or broken in pieces by the discipline of a new institution, it was esteemed infamous and it was punishable not to marry.

§ 3. But then if we consider the manner of this thing so instituted, it is certainly a perfect, unalterable, and universal commandment. For although every man in every circumstance be not by virtue of the institution obliged to marry; yet if he does marry, by the institution he is tied up strictly that at no hand he must prevaricate the measures and limits of the institution. He that marries must marry by that rule and by no other. He must marry one woman only while she is alive; he must leave father and mother and adhere to her, he must treat her with charity and honour, he must use her by the limits of nature and sobriety; he must make her the mother of his family, he must make her serve no desire but what is natural, and so in every thing is he limited to the first institution.

§ 4. The reason is, because a divine institution is the whole cause, and the entire beginning, and the only warranty and legitimation of the state or of the action; and therefore whatsoever is otherwise than the institution, is not from God, but from ourselves. So that although the institution does not oblige us in all cases to do the thing at all, yet in all cases it obliges us to do it in the manner it is appointed: and in this sense the word is used in good authors. *Non is quanquam triennium nutricibus dederit, tamen ab illis quoque jam formandam quam optimis institutis mentem infantium judicat*, said Quintilian[m], 'the understanding even of infants is from the very beginning with the best institutions;' that is, with the best laws and precepts of manners. *Institutiones sunt præceptiones quibus instituuntur et docentur homines*, said Laurentius Valla[n]; 'the precepts by which men are taught what to do are called institutions:' so Quintilian inscribed his books, *De institutione oratoria*, and Lactantius wrote Institutions, that is, commentaries on the precepts and laws of christianity. But in it hath it this peculiarity of signification, that the word 'institution' does signify properly rules and precepts of manners; properly the measures of practice, or rules teaching us what we are obliged to do. So that institution does not directly signify a commandment, but it supposes the persons obliged; only it superadds the manner and measures of obedience. *Cum ad literas*

[m] Inst. orat., lib. i. [cap. 1. § 16.]

[n] [Elegant. Lat. cap. xi.]

non pertineat ætas, quæ ad mores jam pertinet, &c., says Quintilian[o]; 'since that age is not capable of letters, but is capable of manners,' they are to be efformed by the best and noblest institutions.

§ 5. And thus it is in the matter of the sacrament as it is in the matter of marriage. All men are not always obliged to receive the sacrament; for the institution of it being in order to certain ends, and in the recipients certain capacities and conditions required by way of disposition, there can be but a relative and therefore a limited commandment of its reception: but to them who do receive it, the institution is a perfect indispensable commandment for the manner in all the essential parts, that is, in all which were intended in the institution. Now whence I argue,

Whatsoever is a part of Christ's institution of the sacrament is for ever obligatory to all that receive it:

But the sacrament in both kinds is a part of the institution of the sacrament; therefore,

It must for ever oblige all that communicate or receive it.

The first proposition relies upon the nature of divine institutions, which giving all the authority and warranty to the whole action, all its moral being and legitimation must be the measure of all the natural being, or else it is not of God, but of man. *Indignum dicit esse Domino qui aliter mysterium celebrat, quam ab eo traditum est. Non enim potest devotus esse qui aliter præsumit quam datum est ab auctore,* saith S. Ambrose[p], 'S. Paul saith, he is unworthy of the Lord who celebrates the mystery otherwise than it was delivered by Him: he cannot be devout who presumes otherwise than it was given by the Author:' and to this purpose are those severe words of the apostle[q], *Si quis evangelizaverit præter quod accepistis,* 'if any man preach any other gospel than what ye have received, let him be *anathema;*' that is, from Christ we have received it, and so as we received it so we deliver it, and so it must descend upon you without the superfetation of any new doctrine.

§ 6. And indeed how is it possible to pretend a tradition from Christ by the hands of His apostles, and the ministry of the church, if we celebrate it otherwise than Christ delivered it? *Religioni nostræ congruit, et timori, et ipsi loco, et officio sacerdotii nostri . . custodire traditionis dominicæ veritatem; et quod prius apud quosdam videtur erratum, Domino monente corrigere, ut cum in claritate sua et majestate cœlesti venire cœperit, inveniat nos tenere quod monuit, observare quod docuit, facere quod fecit;* they are the excellent words of S. Cyprian[r], and perfectly conclusive in this article. For there were some who out of an impertinent pretension of sobriety would not use wine but water in the sacrament; the instrument by which S. Cyprian confutes their folly is a recourse to the institution.

[o] [Cur autem non pertineat ad litteras ætas, quæ ad mores jam pertinet? —Ubi supra.]

[p] In 1 Cor. xi. [tom. ii. append. col. 149 E.]

[q] [Gal. i. 9.]

[r] Ad Cæcil., lib. ii. ep. 3. [al. epist lxiii. p. 157.]

See, how did Christ deliver it: *Invenimus non observari a nobis quod mandatum est, nisi eadem quæ Dominus fecit, nos quoque faciamus*[s]; 'unless we do what Christ did we do not observe what He commanded;' plainly implying that the institution itself was a commandment: 'we must hold what He admonished, we must observe what He taught, we must do what He did.' Not every thing done at the time of the institution, but every thing of it. 'For,' says he[t], 'Christ did institute it after supper, but we in the morning: but every thing by which He did signify what He did exhibit, and exhibit what He did promise, every such thing was a part of the institution, and cannot be changed.' And therefore S. Paul[u], when he instructs the Corinthians in the mystery of the holy eucharist, uses no demonstration of the rites but this; "I have received this of the Lord:" and "this I have delivered unto you: other things I will set in order when I come;" that is, whatsoever I did not receive from the Lord Jesus, whatsoever was not of His institution, I have power to dispose of; but not of any thing which He appointed.

§ 7. 1) Now there is no peradventure but the apostles understood this institution to be a commandment, Οὕτως παρέδωκαν ἐντετάλθαι αὐτοῖς τὸν Ἰησοῦν· said Justin Martyr[v], speaking of the distribution of the bread and wine, ἑκάστῳ τῶν παρόντων, 'to every one that was present,' he says that 'the apostles did deliver that Jesus so commanded them.' For what commandment have we to consecrate in bread and wine? what precept is there that the consecration should be by a priest? Nothing but the institution. For if it be said that Christ added the preceptive words of *hoc facite*, 'this do in remembrance of Me;' I reply, He did so, but *hoc facite* is no commandment of itself, but when it is joined with, *in mei commemorationem*, 'in remembrance of Me;' that is, when ye remember Me, then do thus. So S. Paul[y] more expressly, "this do as often as ye drink it in remembrance of Me." Therefore *hoc facite* will be but ill expounded to be a commandment for the priest's consecration, unless it borrow all its force from the whole institution: for it plainly says only this, When ye remember Me, then do this which ye see Me do. But *hoc facite* does not signify any particular commandment, but that which is relative to the whole action; and all the discourses of mankind can never extract any other signification.

§ 8. 2) But secondly, the apostles received an express commandment, "drink ye all of this." If therefore Christ instituted the sacrament for the whole church, and that they were the representatives of the whole body of Christ, then all the whole church when they communicate are bound by the commandment to receive the chalice. But if they did not represent the whole church, then where shall we find a warranty that the people may receive at all?

[s] [ibid., p. 152.]
[t] [ibid., p. 156.]
[u] [1 Cor. xi. 23, 34.]
[v] Apol. ii. [al. i. § 66, p. 83 B.]
[x] [ibid. § 65. p. 83 A.]
[y] [1 Cor. xi. 25.]

For if they received only in the capacity of clergymen, then the institution extends no further; and it is as much sacrilege for the people to eat and drink the symbols as to offer at the consecration. But if they received in the capacity of Christians only, then they received the commandment of drinking in the chalice for themselves and for all Christians.

§ 9. And indeed the apostles were not then priests. True, say they of the church of Rome, they were not; but James Payva a Portuguese in the council of Trent[a] talked merrily, and said that the apostles as laics received the bread, but then when Christ said, *hoc facite*, 'this do,' He made them priests; and then gave them the chalice as representatives of the clergy, not of the people. But as merry a fancy as this seemed then, it was found to be the best shift they had, and therefore upon better advice it was followed by Canisius, Suarez, Bellarmine, and divers others. But if this be stood upon, besides that it must be crushed to nothing by the preceding argument, the pretence itself crosses their own devices. For if it be said that the apostles were made priests by *hoc facite*, spoken before the institution of the chalice, then *hoc facite* does not signify *offerte sacrificium*, and consequently cannot make them priests, that is (with them) sacrificers; for by their own doctrine to offer both kinds is necessary to its being a sacrifice. Since therefore the first *hoc facite* (which indeed is the only one mentioned by the evangelists) can but relate to the consecrating of the bread, as the second (mentioned by S. Paul) does to the consecrating of the chalice, either they are priests without a power of sacrifice, or the sacrifice is complete without the chalice, or else they were not then made priests when Christ first said *hoc facite;* and if they were by the second, besides that a reason cannot be fancied why the same words should and should not effect so differing changes without difference in the voice, or in the action, or in the mystery, besides this I say, it is plain, that Christ reached the cup to them commanding them all to drink before He made them priests, that is, they received the chalice as representatives of the people; for being laics, at least till all that ceremony was done, they did represent the people, and consequently as such received a commandment to drink. Let them choose by what part they will be reproved: every one of these overthrows their new doctrine, and all of them cannot be escaped. But let it be considered whether it be likely that Christ should at one time institute two sacraments (for they pretend ordination to be as very a sacrament as the Lord's supper) of so different natures, and yet speak nothing of the use, or the reason, the benefit or the necessity of one of them; nor tell them that He did so, nor explicate the mystery, nor distinguish the rite or the words, but leave it to be supposed or conjectured by the most imperfect and improbable construction in the world. But suppose it, yet at least it must be confessed that

[a] [Sarpi, lib. vi. cap. 30. tom. ii. p. 206. ed. fol. Lond. 1736.]

the words which Christ used, and the same ritual, must in the apostles' ministry be able to effect the same grace, and if so, then a priest hath power to ordain priests; for he hath power to say *hoc facite*, in all the same meanings which Christ had when He used them: and if this be not accepted, yet at least a bishop may ordain all the congregations priests if he please, by saying of one mass; which are pretty fancies, and rare propositions in our divinity.

§ 10. To which I add this consideration, that if our blessed Lord did by those words of *hoc facite* make His disciples priests, then they were priests before the Lord himself; for although He was designed for ever, yet He was consecrated on the cross, there He entered upon His priestly office; but officiates in that office not on earth but in heaven, 'For if He were on earth He should not be a priest,' saith S. Paul[a], therefore being consecrate on the cross, He ascended into heaven to be there 'our priest for ever, there making intercession for us.' Now it were strange if the apostles should be declared priests before the consecration, or first sacerdotal action of their Lord; or that they should be priests without the power of the keys, without the commission to baptize in the name of the Father, Son, and Holy Ghost, for these were given afterwards. But this device is so very a dream, so groundless and airy a phantasm, so weakly laid and employed to such trifling purposes, that it needs no further an enquiry into it: it was raised to serve the end of this question, to answer an objection, and pretends no strength of its own, neither can it weaken that which hath; and that it is indeed only pretended for a shift, and intended to operate no further, appears in this manifestly, because if the apostles did drink of the chalice in the capacity of being priests, then it ought to be followed at least so far, and all the priests that are present ought to receive the chalice, which because they do not in the church of Rome, it is apparent they prevaricate the institution, and that they may exclude the laity from the cup, they use their clergy as bad, when themselves do not officiate.

§ 11. 3) This trifling pretence being removed, it remains that the words of institution, "Drink ye all of this," be also the words of a commandment; and although they were spoken to the apostles only, as being only present, yet the precept must equally concern all Christians and disciples of Christ. Just like those of "Watch and pray lest ye fall into temptation[b];" and "Unless ye be converted and become as little children, ye shall not enter into the kingdom of God[c];" which were spoken only in the presence of the apostles. But as these precepts and moral rules concern all Christians, so do the words of institution of the holy sacrament and commandment of "Drink ye all of this." For, *Oportet cœnam dominicam esse communem, quia ille omnibus discipulis suis qui aderant æqualiter tradidit sacramenta*, said S. Hierome[d]; 'the Lord's supper is common to

[a] [Heb. viii. 4.]
[b] [Matt. xxvi. 41.]
[c] [Matt. xviii. 3.]
[d] In 1 Cor. xi. [tom. v. col. 997.]

all, and so ought to be; because our Lord did equally deliver it to all that were present:' and upon this very account Durandus[e] affirms, *In primitiva ecclesia singulis diebus omnes qui celebrationi missarum intererant communicare solebant, eo quod apostoli omnes de calice biberunt, Domino dicente, Bibite ex eo omnes:* 'in the primitive church all that were present did every day receive, because the apostles did all drink of the chalice, and the Lord said, "Drink ye all of this."'

§ 12. And this appears beyond all contradiction to have been so intended. So S. Ignatius[f], 'There is one bread broken to all,' καὶ ἓν ποτήριον τοῖς ὅλοις διανεμηθὲν, 'and one chalice distributed to all,' and 'There is no difference in this between the priest and the people,' said S. Chrysostom[g]; and it is evident that S. Paul gives the same commandment of drinking the chalice as of eating the bread; six times distinctly mentioning both the symbols, and directing the rule and the precepts of eating and drinking "to all that are sanctified in Christ Jesus[h]," even to all who are to examine themselves; for "let a man examine himself, and so let him eat of that bread and drink of that cup[i]:" and that it was so the custom of the church, and their doctrine that all are to receive the chalice, that there was no scruple made by the church concerning it, we are fairly induced to a belief by the addition made to the Greek text of 1 Cor. x. 17 by the vulgar Latin; for whereas it is in the Greek 'we all partake of the same bread' the vulgar Latin adds *et de uno calice,* 'and of the same cup.' This I the rather note because the jesuits of Colein did use this for an argument of the half communion; because when S. Paul had spoken of the consecration he mentions breaking bread, and drinking the cup, but when he speaks of sumption or participation, he only mentions the bread: now supposing that, yet that defect is supplied by the vulgar Latin, the author of which knowing the universal custom of the church and the doctrine of it, supplied that out of the sentence of the church which is not in the Greek text. Though if it had not been yet the argument would have been just nothing, as being a conclusion drawn from a particular negative in one place, and against his custom in other places, and besides the institution.

§ 13. For the doctrine and practice of the church is so notorious in this article that in the Greek church there was never any variety in it, and to this day it is used as it was in the beginning and in all the intermedial ages; and in the Latin church for a thousand years it was not altered[j]. Nay to this day the church of Rome sings in the hymn upon *Corpus Christi* day,

Dedit fragilibus corporis ferculum;
Dedit et tristibus salutis poculum,

[e] Ration., l. iv. [vid. cap. 1.]
[f] Ep. ad Philadelph. [interpol. cap. iv. p. 77.]
[g] Sup. 1 Cor. xi. [tom. x. p. 246.] et sup. 2 Cor. hom. xviii. [p. 568 B.]
[h] [1 Cor. i. 2.]
[i] [1 Cor. xi. 28.]
[j] [Cassand. consult., art. 22. p. 981.]

Dicens, accipite quod trado vasculum:
Omnes ex eo bibite[k].

'He gave His body to be the food of the weak, and the cup of salvation to the sorrowful, saying, Take this vessel that I reach unto you; drink ye all of this.' Indeed it was often attempted to be changed upon the interest of divers heresies and superstitious fancies, and rare emergencies. For,

§ 14. 1) It was attempted to be omitted in the time of S. Cyprian, when some impertinent people would have water only, but not the chalice of the Lord's institution in the fruit of the vine: but these men's folly went not far, for being confuted and reproved by S. Cyprian[l] in a letter to his brother Cæcilius, I find no mention of them afterwards.

§ 15. 2) It was attempted to be changed upon occasion of the eremites, who coming but seldom to church could but seldom receive the chalice, but desiring more frequently to communicate they carried the consecrated bread with them into their cells, and when they had a mind to it, in that imperfect manner did imitate the Lord's supper. That they did so is certain, that they had no warrant for so doing is as certain; and therefore their doing so can be no warrant to us to do as they did, much less ought it to be pretended in justification of the denying the chalice to the whole laity, when they desire it and may have it. However, this unwarrantable custom of the eremites was taken away by the first council of Toledo in the year CCCXC., and afterwards again forbidden in the year D.[m], by the fathers met in council at Cæsar Augusta. The words of the council of Toledo are these[n], *Si quis autem acceptam a sacerdote eucharistiam non sumpserit, velut sacrilegus propellatur:* but this is fuller explicated in that of Cæsar Augusta[o], *Eucharistiæ gratiam si quis probatur acceptam non consumpsisse in ecclesia, anathema sit in perpetuum:* so that under the pain of a perpetual curse, and under the crime of sacrilege, they were commanded to spend the eucharistical symbols in the church; and this took from them all pretence of the necessity in some case of not receiving the chalice.

§ 16. 3) In the time of P. Leo[p] the first, the Manichees, who abstained from wine as an abomination, would yet thrust themselves into the societies of the faithful, and pretend to be right believers; but S. Leo discovered them by their not receiving the chalice in the holy eucharist; and whereas they would have received in one kind only, he calls it sacrilege, and reproves them with the words of S. Paul[q], "Mark them which cause divisions amongst you, and offences contrary to the doctrine which ye have received." This was about the year CCCCXLIX.

[k] [Thomas Aquinas, so Cassander, hymn. eccles., p. 247.]

[l] Lib. ii. ep. 3. [al. ep. lxiii. p. 148 sqq.]

[m] [CCCLXXX., Harduin.]

[n] Can. xiv. [tom. i. col. 991.]

[o] [Can. iii. tom. i. col. 806.]

[p] Serm. iv. quadragesim. [p. 38 C.]

[q] [Rom. xvi. 17.]

§ 17. 4) A while after, about the year CCCCXC., some had gotten some superstitious fancy by the end, and out of reverence to the holy sacrament, or some other device of their own, they thought it fit to abstain from the consecrated chalice: but P. Gelasius[r] made short work with them; he condemned their superstition and gave sentence, *Aut integra sacramenta percipiant, aut ab integris arceantur;* 'either all or none: drive them from the H. bread, if they refuse the sacrament of the Lord's blood.'

§ 18. 5) The church had sometime in extraordinary cases, as in communicating infants or dying people, dipped the holy bread into the chalice, and so ministered the sacrament; upon occasion of which some fell in love with the trick, and would have it so in ordinary ministrations: we find it mentioned in the history of Serapion in Eusebius[s], and in S. Cyprian[t], *de lapsis*, and in Prosper[u]. But against this breach P. Julius[x] opposed himself, and stood in the gap, declaring it to be against the divine order and apostolical institutions, and contrary to the doctrine of the gospel and of the apostles, and the custom of the church; and his words are remarkable to shew from whence this article is to be adjusted and determined: *Non difficile hoc ab ipso fonte veritatis probatur, in qua ordinata ipsa sacramentorum mysteria processerunt,* 'the very ordination or institution of the sacrament is the fountain from whence we are to derive the truth in this enquiry.' But when this superstition was again revived, about the year DLXXX., the now mentioned degree of P. Julius was repeated in the third council of Braccara[y], and all set right again according to the perpetual custom of the church, and the institution of our B. Lord, and their pretence (which was lest they should spill any thing of the holy chalice) laid aside as trifling and superstitious.

§ 19. 6) And yet after all these motions made by heretics and superstitious persons, and so many cautions, suppressions, and decrees against them, about the year DCCCCXX. the order of Cluniac monks did communicate with the bread dipped in the chalice, as Cassander[z] reports: and about the year MCXX. it was permitted in some churches so to do. For by this time the world was so rude and ignorant that they knew little of the mysteries of religion, and cared less; so that for the danger of effusion of the holy wine they in some places chose that expedient: which, although it was upon great reason condemned by P. Julius and the council of Braccara, yet it is a great argument that they still believed it necessary to communicate under both symbols.

[r] Can. 'Comper.,' de consecrat. dist. ii. [can. 12. col. 2087.]
[s] [H. E., lib. vi. cap. 44.]
[t] De lapsis. [p. 132.]
[u] [Pseudo-Prosper.] de promiss., cap. 6. [dimid. temp. col. 193. ad calc. opp. Prosperi, fol. Par. 1711.] et xxvi. qu. 6. c. 8. in decret. [Gratian. part. 2. col. 1604.]
[x] Ep. ad episc. Ægypt.—De consecrat. dist. ii. can. 'Cum omne.' [can. vii. col. 2083.]
[y] [Can. ii. tom. iii. col. 1033.]
[z] [De communione sub utraque specie, p. 1027.]

§ 20. 7) But about the time that the schoolmen began to rule the chair, this danger of spilling the chalice wrought so much in their wise heads that they began about the year MCCL. in some churches to leave out all use of the chalice, excepting to the priests and some great men who would be careful not to spill. This was but 'in some churches,' said Aquinas[a], and it was permitted to all the priests present, *de quibus præsumitur quod magis sint cauti:* and to some grandees of the people too for the same reason, as we find in Richard Middleton[b], Innocent the fourth[c], and Petrus de Tarantasia[c].

§ 21. 8) But by little and little the abuse went further, and grew confirmed, and miracles pretended and invented, as Alexander of Ales reports, to stop the outcries of certain religious who were extremely troubled at the loss of the chalice: and now at last it became the general custom of the western churches, and it grew scandalous to desire it; and it was established into a doctrine in the council of Constance[d], and the institution of Christ and the custom of the primitive church were openly defied, taken notice of, and so laid aside, and *anathema* pronounced on them that should insist upon their right, or deny whole Christ to be under each kind, in the council of Trent[e]; and so it abides at this day.

§ 22. The question being now reduced to this short issue, whether under each kind whole Christ be received; it is not unworthy a short enquiry, concerning the truth and concerning the consequence of it.

§ 23. 1) For the truth. I consider that the effect of external rituals and ceremonials cannot be disputed philosophically, as we enquire into the portions of effect which every herb hath in an infusion; but we are to take and use them in the simplicity of their institution, leaving them under that secrecy of their own mysteriousness in which they were left in their first appointment and publication. The apostle[f] explicating the mysteries of our religion, saith, that "Christ was delivered" (meaning unto death) "for our sins, and was raised again for our justification;" and yet that "we are justified by His blood[g]." Upon these accounts we can say that by Christ's death and by His resurrection we are justified, and therefore we are to be partakers of both; but because we are justified by faith in His blood, it will at no hand follow we may let alone our faith, or neglect to procure our part in His resurrection. So it is in the symbols eucharistical: supposing it had been said of the bread, 'This is Christ,' or 'This is the death of Christ,' and the same said of the chalice; yet one alone is not sufficient to be received when both are

[a] 3 part. sum. q. 80. art. 12. [tom. xii. fol. 267 b.]

[b] 4. l. sent. dist. xi. [art. 4. q. 6. fol. 50. ed. fol. Ven. 1509.]

[c] [From Cassander, p. 1043; who however, erroneously identifies Innocent IV. with Peter de Tarantasia, subsequently Innocent V. See Ciacon. vit. pontiff., tom. ii. coll. 99, 203, ed. fol. Rom. 1677; Valentin. Forster, hist. jur. civ. Rom., lib. iii. cap. 14.]

[d] [Sess. xiii. tom. viii. col. 381.]

[e] [Sess. xx. can. 3. tom. x. col. 121.]

[f] [Rom. iv. 25.]

[g] [Rom. v. 9.]

instituted: for as all the mysteries of our redemption are effective to our pardon and salvation, so are both the symbols of the eucharist to our reception of Christ; and baptism or absolution may better be pretended to the exclusion of the whole eucharist, than the sufficiency of bread to the exclusion of the chalice: for remission of sins is perfectly the grace of baptism, and those sins return not, but in the case of apostasy; but what is the effect of bread alone is no where told, but that it is the commemoration or remembrance of the broken body of Christ, and the communication of that body. But then the chalice is also the remembrance of Christ's blood poured forth, and the exhibition of that which is for the remission of sins: and how these two do work that in us which we hope for, we know not, but that they work as mysteries and sacraments do work, but not as herbs, or natural agents, that we may believe.

§ 24. 2) I consider that when Christ appointed to the two symbols two distinct significations, and that we believe that the sacraments exhibit to worthy communicants what they represent to all, it must be certain that all Christ, that is, that all the benefits of Christ, are not conveyed by each which are conveyed by both, because as they signify so they exhibit; but they do not each signify what both together do. The breaking of the body does not signify the effusion of the blood, neither does the shedding of the blood signify the breaking the body; and to think that the reduplication of the symbols is superfluous, is to charge Christ with impertinency: and if it be not superfluous, then there is something of real advantage by both that is not in each. I will not venture to assign to each their portion of effect, for what they have they have not naturally, but by divine donation and appointment; and therefore I will not take notice that the same chalice is representative and effective of union and charity, (though that is usual enough in societies and friendships,

—— Pylades, Marce, bibebat idem[h]:)

but this I shall observe, that the whole effect of the sacrament is equally attributed to the worthy receiving the chalice as to that of the bread; and therefore S. Remy[i] caused these verses to be written on the chalice,

Hauriat hinc populus vitam de sanguine sacro,
Inflicto æternus quem fudit vulnere Christus;

'Let the people from hence draw life issuing from the wounds of Christ:' now whatsoever effect is attributed to one is not in exclusion of the other, but in concomitance with it; and therefore as it would be a strange folly to dispute what benefit we receive by Christ's flesh distinctly, and how much of our redemption is wrought by His blood, and it could have no use and no certainty; so it would be

[h] [Martial., lib. vi. epigr. 11.]
[i] [Hincmar. in vit. S. Remigii, apud Cassand. liturg., cap. xxxi. p. 75.]

as strange to say there is so much distinctly in the H. bread, so much in the wine; and it is worse to attribute to one that which can be employed to exclude the other, and it is certain there can be nothing said of advantage that either one or the other hath; and therefore the chalice may exclude the bread as well as the H. bread the chalice, both alike, that is, indeed, neither.

§ 25. But it is to be observed, that in this enquiry the question cannot be concerning the receiving Christ, but of receiving the sacraments of Christ, of His body and of His blood. For we receive Christ in baptism, and we receive Christ by faith, and yet nevertheless we are to receive the sacraments of Christ's body and blood; and therefore suppose we did receive Christ in the holy bread, yet that bread is but the sacrament of His broken body, and therefore we must also receive the sacrament of His blood spilt for us, or else we omit to receive the one half of the sacrament: and if the question were only about receiving Christ, we might pretend the whole sacrament to be needless, because a spiritual communion and faith alone will do that work; but yet faith alone or the spiritual communion does not give us the sacrament, nor obey Christ in this instance, nor commemorate and represent His death, which is the duty here enquired of and here enjoined.

26. And therefore the dream of the church of Rome, that he that receives the body receives also the blood, because by concomitance the blood is received in the body, is neither true nor pertinent to this question. Not true, because the eucharist being the sacrament of the Lord's death, that is, of His body broken and His blood poured forth, the taking of the sacrament of the body does not by concomitance include the blood, because the body is here sacramentally represented as slain and separate from blood: and that is so notorious that some superstitious persons, A.D. ccccxc., refused the chalice, because, said they, the body of Christ represented in the holy sacrament *exsangue est*, 'it is without blood[k];' but now the Romanists refuse the chalice because the body is not without blood: they were both amiss, for it is true the body is represented sacramentally as killed, and therefore without blood, which had run out at the wounds, and therefore concomitance is an idle and impertinent dream; but although the body is without blood in His death, yet because the effusion of the blood is also sacramentally to be represented, therefore they should not omit the chalice.

§ 27. But to them of the Roman church, if the blood be in the body by concomitance, and therefore they who receive the body receive also the blood, then they who sacrifice the body do also sacrifice the blood; and then it will be no more necessary to celebrate in both kinds than to communicate in both, and indeed though the Roman schools will not endure that the sacrifice (as they call it) or the con-

[k] [See p. 541, above.]

secration should be in one kind, yet Volaterranus[k] says that P. Innocent the eighth gave leave to the Norvegians to sacrifice in bread only: certain it is the priest may as well do so, as the people receive in one kind, for the people do in their manner as much celebrate the death of Christ as the priest, nor he alone nor they alone, but the whole action is the due celebration: however the argument of concomitance concludes equally against the celebration in both kinds, as against the participation; and why the priest should be obliged to drink the chalice and cannot be excused by concomitance, and yet the people are not obliged but are excused by that pretension, abating the reasons of interest, cannot easily be imagined.

§ 28. Certain it is they had other thoughts in the council of Turon[l]; for when they considered the necessities of sick and dying people, they appointed the consecrated bread to be sopped in the consecrated chalice; adding this reason, *Ut veraciter presbyter dicere possit, Corpus et sanguis Domini nostri Jesu Christi proficiat tibi in remissionem peccatorum et vitam æternam;* 'that the priest may say truly, the body and blood of our Lord Jesus Christ be profitable unto you for the remission of your sins and unto life eternal.' If they had then understood the device of concomitance, they would have known that the priest might have said so truly without sopping the holy bread in the chalice: but the good fathers had not yet learned the metaphysics.

§ 29. 2) Now for the consequence of this pretension: I consider that let the thing be as true as the interested persons would have it, yet it is not well that we should dispute against a divine institution upon a pretence of our vain arguings. The apostles with great simplicity took in both kinds at that time in which only the device of concomitance was or could be true, for then when they received it the blood was in the body of Christ, but it was sacramental of the blood to be poured out the next day; however they obeyed with simplicity and without enquiry, and never feared spilling, nor argued, nor sought excuses: such simplicity would equally become us; and as to the usefulness of receiving in both kinds, although it will ill become any man to argue concerning the usefulness of a divine institution, and to pretend excuses against Christ, upon the account of a philosophy of their own invention, is very much unlike the spirit of humility and wisdom and obedience which ought to be the investiture of a christian's heart and the tiar of his head, yet I observe that even in this particular the disadvantage is not little.

§ 30. For if receiving the sacrament be of any advantage to souls, then it is certain he that does not receive it is a loser; and yet he that does not receive the chalice does not receive the sacrament, but a piece of it only. Now in sacraments half is as good as none; as he who should only dip a child in pure water, and yet not invocate the Trinity, should do nothing at all with his half-baptism, so it is

[k] [Comment. urban., lib. vii. col. 210.] [l] [Ivo, decret., part. ii. cap. 19.]

certain that the effect of a sacrament is not imparted by a half-communion. And therefore Alexander of Ales[m] said well, *Sumpto hoc sacramento digne in utraque specie major est effectus unius corporis mystici cum capite, quam sumpto sub altera:* and in another place[n] he says to receive under both kinds is *majoris meriti tum ratione augmentationis devotionis, tum ratione fidei dilatationis actualis, tum ratione sumptionis completioris:* 'it is of greater merit or value, there is a greater mystical union between the head and the members, a greater increase of devotion, a larger and more actual extent of faith, and a more complete sacramental reception of Christ himself.' To the same purpose there are good things spoken in Albertus Magnus[o], and in Thomas Aquinas[p], Bonaventure[q], and Petrus de Palude[r] and divers others, all agreeing that one alone does not make a sacrament, but a piece of one, and that there is advantage by both kinds which is not to be had in one; which advantage if it be spiritual (as it is, if it be at all) then he that robs the people of a spiritual good which our blessed Lord hath designed for them and left unto them, is sacrilegious and profane; it is uncharitable and it is impious. I say it is impious:

§ 31. For it is not to be despised that our blessed Lord gave this sacrament as His last will and testament; and though He gave it in His body and blood, yet He expressed only 'the new testament in His blood:' and for any church to violate the testament of our blessed Lord, however men may make no great matter of it, yet it will receive a punishment according as God sets a value upon it; and he that shall pluck one seal from a testament, and say that one is as good as two, when two were put to it by the testator, cannot be excused by saying it was nothing but a formality and a ceremony. God's ceremonies are bound upon us by God's commandment, and what He hath made to be a sign does signify and exhibit too: and as the brazen serpent though it was but a type or shadow of the holy crucifix, yet did real cures; so can the symbols and sacraments of the crucifixion, being hallowed by the divine institution, and confirmed by His power: and therefore a violation here is not to be called only a question in a ceremony; it is a substantial part of the christian religion, it is the sanction of the new testament, the last will of our dying Lord. "Now if it be but a man's testament," saith S. Paul[s], "yet no man disannulleth or addeth thereto:" and therefore to disannul or lessen a portion of the testament of the Son of God must needs be a high impiety. *Testamentum quia individuum est pro parte agnosci et pro parte repudiari non possit,* says the law, *L.* 7.

[m] [Summ. part. iv.] Quæst. 32. memb. 1. art. 2. [al. quæst. 10. memb. 4. art. 1. p. 234.]

[n] Quæst. 53. [al. 11. memb. 2. art. 5. p. 406.]

[o] In 4 sent., dist. viii. art. 13. [tom. xvi. p. 117.]

[p] 3 part. summ. quæst. lxxvi. art. 2. [tom. xii. fol. 245, 6.]

[q] [In 4 sent.] dist. viii. [part. 2. art. 2.] quæst. 2. [tom. v. p. 97.]

[r] [In 4 sent.] dist. xi. [quæst. 1.] art. 1. [fol. 42 b.]

[s] [Gal. iii. 15.]

'*Jus nostr.*' *D. de reg. jur.*[t] If you repudiate a part of the will, you must renounce it all; if you permit not to the people the blood of Christ, you hinder them from having a part in the death of Christ, so far as lies in you. Add to this, that this holy mystery being acknowledged by all to be the most mysterious solemnity of the religion, and by the church of Rome affirmed to be a proper sacrifice, and so contended for; it would be remembered that our blessed Saviour did adapt and fit this rite to the usages and customs both of Jews and gentiles, amongst whom laws, and societies, and contracts, and sacrifices were made solemn by effusion and drinking of blood; and instead of blood (amongst the more civil nations) they drank wine, and by that were supposed partakers even of the blood of the sacrifice; ἀπὸ τούτου γέ τοι φασὶ μεθύειν ὠνομάσθαι, says Philo[u], ὅτι μετὰ τὸ θύειν ἔθος ἦν τοῖς πρότερον οἰνοῦσθαι. To be drunk, viz. in the Greek hath its name from their drinking wine after their sacrifices: and with this custom among the gentiles, and with the paschal ceremony of this nature amongst the Jews our blessed Lord complying loses the wisdom and prudence of it, if the priest shall sacrifice, and the people drink none of the blood of the sacrifice, or that which ritually and sacramentally represents it. The covenant of the gospel, the covenant which God made with us, our blessed Saviour established and ratified with blood; wine was made to represent and exhibit it: he therefore that takes this away, takes away the very sacramentality of the mystery, and 'without blood there is no remission.' For as he that gives bread and no water does not nourish the body but destroy it, so it is in the blessed sacrament: for (that I may use S. Austin's[x] expression which Paschasius and Algerus in this article did much insist upon) *Nec caro sine sanguine, nec sanguis sine carne jure communicatur; totus enim homo ex duabus constans substantiis redimitur, et ideo carne simul et sanguine saginatur:* 'neither the flesh without the blood, nor the blood without the flesh is rightly communicated; for the whole man consisting of two substances is redeemed, and therefore nourished both with the flesh and the blood.' Καὶ οὐ καθάπερ ἐπὶ τῆς παλαιᾶς, τὰ μὲν ὁ ἱερεὺς ἤσθιε τὰ δὲ ὁ ἀρχόμενος, καὶ θέμις οὐκ ἦν τῷ λαῷ μετέχειν ὧν μετεῖχεν ὁ ἱερεὺς . . ἀλλὰ πᾶσιν ἓν σῶμα πρόκειται καὶ ποτήριον ἕν[y]· 'it is not now as it was in the Old testament where the priest eat one portion, the prince another, and the people another; here it is alike to all, the same body and the same chalice is to all.' I end this enquiry with the saying of S. Cyprian[z], *Si ne unum quidem ex minimis*

[t] [Digest., lib. l. tit. 17. l. 7. col. 1851.]

[u] [De plant. Noe, tom. iii. p. 158.—cf. Aristot. apud Athen. ii. 11. p. 93.]

[x] [The first clause of this passage is cited by Algerus (de sacram. corp. et sang. Dom., lib. ii. cap. 8.) as from Augustine; but the real author of the quotation is Paschasius, de corp. et sang. Dom., cap. 19, max. bibl. vet. patr., tom. xiv. p. 744.]

[y] Chrysost. hom. xviii. in 2 Cor. [tom. x. p. 568 B.]

[z] Vid. lib. ii. ep. 3. [al. ep. lxiii. p. 155.]

mandatis legis solvere debet, multo minus ex his magnis mandatis pertinentibus ad ipsum dominicæ passionis et nostræ redemptionis sacramentum fas est ullum infringere, vel humana traditione mutare: 'if it be not permitted to break one of the least commandments of the law, much less is it to be endured to break any one, or by human tradition to change any belonging to the sacrament of our Lord's passion and of our redemption:' and therefore if ever any sect or any single person was guilty of the charge, it is highly to be imputed to the church of Rome, that they teach for doctrine the commandments of men, and make the commandment of God of none effect by their tradition

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RULE X.

IF THE SENSE OF A LAW BE DUBIOUS, WE ARE SOMETIMES TO EXPOUND IT BY LIBERTY, SOMETIMES BY RESTRAINT.

§ 1. ALTHOUGH all the laws of Jesus Christ are so legible in the sense intended that all good men being placed in their proper circumstances, conducted by the divine providence, making use of all their prepared and ready instruments, can certainly read the prime intention and design of God; yet because some laws are so combined with matter and twisted with material cases, so intricated by the accidents of men and the investiture of actions, that they cast a cloud upon the light of God's word, and a veil upon the guide of our lives, and because the sense of words do change, and very often words cannot be equal with things; it comes to pass that the laws are capable of differing senses: when therefore any thing of this nature happens, the first sense of the words is either to be enlarged or restrained according to the following measures.

IN WHAT CASES THE STRICTER SENSE OF THE LAWS OF CHRIST IS TO BE FOLLOWED.

§ 2. 1) When the duty enjoined by the law is in deliberation, and is to be done, we are to use restraint, and take the severer sense of the law. The reason is because that is the surer way, and hath in it no inconvenience or impossibility; but being it is the matter of choice, in all deliberation for the future we must give sentence for God, and for the interest of religion. Thus when it is commanded we should 'judge ourselves that we be not judged of the Lord,' in the enquiry which every penitent man makes concerning the extension of the duty of judging ourselves, if the question be whether judging ourselves means only to condemn ourselves for having sinned, and to confess ourselves justly liable to the divine judgment; or does it also mean to punish ourselves, and by putting our own sen-

tence against our sin into a severe execution of that sentence upon ourselves by corporal inflictions; he that can no otherwise be determined in the question can safely proceed by choosing the severer side; for there is no loss in it, no omission, it contains all that any man can think to be required, and therefore hath in it prudence and charity, caution and regard, to God and to himself.

§ 3. 2) This is not to be understood only in case there is a doubt no otherwise to be resolved but by the collateral advantage of the surer side; but this severer sense of the law is of itself most reasonable to be chosen, as being the intended sense and design of the lawgiver, who certainly puts no positive measures to his own laws of love and duty. For since the great design of the law is such a perfection which must for ever be growing in this world, and can never here arrive to its state and period, that sense which sets us most forward is the most intended; and therefore this way is not only to quiet the doubt, but to govern and to rule the conscience. This is not only the surer way, but the only way that is directly intended: it is agreeable to the measures of charity, or the love of God, which is to have no other bounds, but even the best we can in the measures of God and the infirmities and capacities of man.

§ 4. 3) In the interpretation of the laws of Christ, the strict sense is to be followed when the laws relate to God and to religion, and contain in them direct matter of piety and glorifications of God, or charity to our neighbour; because in them the further we go the nearer we are to God, and we are not at all to be stopped in that progression till we are at our journey's end, till we are in the state of comprehension. To this purpose are those words of Ben-Sirach[a], "When you glorify the Lord, exalt Him as much as you can, for even yet will He far exceed, and when you exalt Him put forth all your strength, and be not weary, for you can never go far enough. Who hath seen Him that he might tell us, and who can magnify Him as He is? There are hid greater things yet than these be, for we have seen but a few of His works;" meaning, that although we cannot glorify God sufficiently for the works of power and mercy which we see and feel, yet because there are very many works which we see not, and infinite numbers and seas of glories above the clouds, which we perceive not and cannot understand, the only measures of religion and the love of God which we are to take, is to pray continually, to love God always, to serve Him without end, to be zealous beyond all measures, excepting those of duty and prudence, to be religious without a limit, always to desire, always to endeavour, never to rest as long as we can work, never to give over as long as any thing is unfinished; and consequent or symbolical to all this, that in all disputes of religion we choose the sense of love, not of weariness, that we do not contend for the lesser measures, but strive in all our faculties and desire beyond their strength; and propound Christ for our

[a] [Ecclus. xliii. 30—32.]

precedent, and heaven for our reward, and infinity for our measures toward which we are to set forth by our active and quick endeavour, and to which we are to reach by our constancy and desires, our love and the divine acceptance.

WHEN THE LAWS OF CHRIST ARE TO BE EXPOUNDED TO A SENSE OF EASE AND LIBERTY.

§ 5. If to the sense of the duty there be a collateral and indirect burden and evil appendage, and the alleviating of that burden is to be an ingredient into the interpretation of the law, and the direct duty is to be done in such measures as may do the most good with suffering the least evil. This happens in two cases:

§ 6. 1) If the strict and severer sense of the law be too great for the state and strength of the man, that is, if it be apt to make him despair, to make him throw away his burden, to make him tire, to be weary of and to hate religion, his infirmities are to be pitied, and the severest sense of the law is not to be exacted of him. *Apices juris non sunt jus*, say the lawyers, 'the little punctilios and minutes of law are not law;' because if our duty be extended to every little tittle of duty, it were necessary that our observation and attendance should be as particular and punctual; but because that cannot always be actual and intent, particular and incumbent, those things which insensibly pass by the observation of a diligent watchful person, do also inculpably pass by the man. But of this I have already given accounts in another place[b]. For the present I further consider that charity being the great end of the law, and every law being a design of making a man happy, every commandment of God is then best understood when it is made to do most good, and rescued from being an occasion of evil. The government of Jesus Christ is most paternal and serene, His rod is not heavy, His commandments are not grievous, His bands are not snares; but they are holiness and they are liberty, they are 'glory to God and good will towards men.'

§ 7. But this at no hand means that any material or integral part of duty can be omitted, and the omission indulged in compliance with any man's infirmity or danger; for the law is to be our measure, our weaknesses cannot be the measure of the integrity of the law. That infirmity by which we omit any part of duty is a state of sin, and God who knew all our infirmities and possibilities or impossibilities of obedience, complied sufficiently in the sanction of the law, and imposed no more burden than was even with our powers; and therefore for what remains we must stoop our shoulder and bear the burden which God's wisdom made reasonable and tolerable, and our necessity and interest makes unavoidable, and love will make easy and delectable.

[b] 'Doctrine and practice of repentance,' c. 3. [vol. vii. p. 83 sqq.]

§ 8. But the burden which can be lessened is the burden of degrees of intension, or any thing which consists not in a mathematical point, but is capable of growth; whatsoever is of such a nature as is always to increase in this life, in that such abatements may be made as will fit the person and the state; and no man is to be quarrelled at for degrees in the beginnings or in the first progressions of his piety, only he is to be invited on by proper and fair inducements; and if he stands still always, as he is to be suspected for want of love, so he is to be warned of his danger and thrust forward by the memory of the best examples. Thus it may not upon any terms be permitted to any weak person to do an act of injustice, to blaspheme God, to reproach his father, to be wanton; he may not be allowed to slander his brother, to neglect his children, to despise his wife, to part from her because he is weary of her, for fear the not indulging any thing of this nature to him should provoke him to anger against the religion. We may not give easy answers in cases of conscience, or promise heaven to them that live evil lives, for fear that our severity should make them forsake our communion and go to the Roman church; that is, we must not allow any man to do one evil to hinder him from another, or give leave to him to break one commandment that we may preserve another. But of this I have already given more particular accounts[c]. That which at present I intend is, that no sin or omission of duty is to be permitted, no law of Christ is to be expounded to comply with us against God; but when a less severe sense is within the limits of duty, that our weaknesses are to be complied withal is affirmed as being most charitable and necessary. Thus if it be enquired whether our sorrow for our sins ought to be punitive and vindictive, sharp and sensible as the perception of any temporal evil, as the sorrow of a mother for the death of her only child, this being a question of degrees which cannot consist in an indivisible point, is never limited and determinate; any degree that can consist with the main duty may be permitted to him whose necessity requires such indulgence, and if he be sorrowful in such a degree as to move him to pray passionately and perseveringly for pardon, to beget in him a wise and a wary caution against temptation, to produce in him hatred against sin, and dereliction of it, a war and a victory, the death of sin and the life of righteousness, the penitent is not to be prejudiced by the degree of his sorrow, or the thickness of its edge, and the commandment is so to be expounded as to secure the duty and secure the man too: and if he be told that a less degree of sorrow than the supreme will not serve his turn, and that the commandment is to be expounded in the greatest and severest measures, he that finds this impossible to him will let it all alone, for as good never a whit as never the better; but then he that tells him so hath laid a snare for his brother's foot, and binds upon his shoulder a burden too heavy for him. For to what purpose can we imagine that

[c] Vide book i. chap. 5. rule 8. § 16, &c. usque ad finem. [p. 246 sqq.]

there should be a latitude in the commandment, and yet no use to be made of the least degree? and if God cherishes the babes in Christ, and is pleased in every step of our progression, then it is certain that they who are but babes are to be treated accordingly, and the commandment is to be acted by the proportions of the man. But then if the question be concerning the integrity of the repentance, he that is troubled at heart because he is told that a resolution to leave sin is not enough, that without restitution there is no repentance; he that will kick at religion because it requires all the duties which integrate the commandment, is not to be complied with, nor permitted to his folly. I have read of a gentleman who being on his deathbed and his confessor searching and dressing of his wounded soul, was found to be obliged to make restitution of a considerable sum of money, with the diminution of his estate. His confessor found him desirous to be saved, a lover of his religion, and yet to have a kindness for his estate, which he desired might be entirely transmitted to his beloved heir: he would serve God with all his heart, and repented him of his sin, of his rapine and injustice, he begged for pardon passionately, he humbly hoped for mercy, he resolved in case he did recover to live strictly, to love God, to reverence His priests, to be charitable to the poor; but to make restitution he found impossible to him, and he hoped the commandment would not require it of him, and desired to be relieved by an easy and a favourable interpretation; for it is ten thousand pities so many good actions and good purposes should be in vain, but it is worse, infinitely worse, if the man should perish. What should the confessor do in this case? shall not the man be relieved, and his piety be accepted? or shall the rigour and severity of the confessor, and his scrupulous fears and impertinent niceness cast away a soul either in future misery, or present discomfort? Neither one nor other was to be done, and the good man was only to consider what God had made necessary, not what the vices of his penitent and his present follies should make so. Well! the priest insists upon his first resolution, *Non dimittitur peccatum nisi restituatur ablatum:* the sick man could have no ease by the loss of a duty. The poor clinic desires the confessor to deal with his son, and try if he could be made willing that his father might go to heaven at the charge of his son, which when he had attempted, he was answered with extreme rudenesses and injurious language, which caused great trouble to the priest and to the dying father. At last the religious man found out this device, telling his penitent, that unless by corporal penances there could be made satisfaction in exchange for restitution, he knew no hopes, but because the profit of the estate which was obliged to restitution was to descend upon the son, he thought something might be hoped if by way of commutation the son would hold his finger in a burning candle for a quarter of an hour. The glad father being overjoyed at this loophole of eternity, this glimpse of heaven, and the certain retain-

ing of the whole estate, called to his son, told him the condition and the advantages to them both, making no question but he would gladly undertake the penance. But the son with indignation replied he would not endure so much torture to save the whole estate. To which the priest espying his advantage made this quick return to the old man, Sir, if your son will not for a quarter of an hour endure the pains of a burning finger to save your soul, will you to save a portion of the estate for him endure the flames of hell to eternal ages? The unreasonableness of the odds, and the ungratefulness of the son, and the importunity of the priest, and the fear of hell, and the indispensable necessity of restitution, awakened the old man from his lethargy, and he bowed himself to the rule, made restitution, and had hopes of pardon and present comfort.

§ 9. 2) The other case in which the law is to be expounded to the sense of ease and liberty is when the question is concerning outward actions, or the crust and outsides of religion. For the christian religion being wholly spiritual, and being ministered to by bodily exercises, and they being but significations of the inward, not at all pleasing to God for themselves, but as they edify, instruct, or do advantages to men, they are in all cases to be exacted; but in such proportions as can consist with charity, which is the life of religion: and therefore if a soul be in danger to be tempted, or overburdened with a bodily exercise, if there be hazard that all religion will be hated, and that the man will break the yoke if he be pinched in his skin, it is better to secure the great and internal principle of obedience, than the external instance and expression. This caution is of use in the injunction of fasting days, and external acts of mortification, which are indeed effects of the laws of Christ, but the measures of these laws are to be such as consist with the great end of the laws, that is, mercy and internal religion. And the great reason of this is, because all external actions are really such as without our fault they may be hindered; there may be some accidents and causes by which they shall not be at all, and there may be many more by which they may be eased and lessened. An external accident or a corporal infirmity is to be complied withal in the matter of external ministries, that is, when there is mercy in it; and so must every virtue and inward grace, because it is for the interest of religion. Now what must be permitted in the action ought to be so in the sentence, and that is the meaning of the law which is either commanded to the strong or indulged to the weak. Add to this, that outward actions of religion are for the weak, not for the strong; they are to minister to weakness and infirmities, and by bodily expressions to invite forward, to entertain, to ferment, to endear the spirit of a man to the purposes of God; but even the body itself shall be spiritual, and it is intended that it shall wholly minister to God in spiritual services hereafter. In the mean time, by outward acts it does something symbolical, or at least expressive of the inward duty. But therefore if the external

do disserve the spirit of God by oppressing the spirit of the man; that whose nature and institution is wholly instrumental must be made to comply with the end, and therefore must stand there when it is apt to minister to it, but must go away if it hinders it.

§ 10. 3) In the interpretation of the laws of Christ to a sense of ease and liberty, there must be no limits and lessenings described beforehand or in general; because any such proceeding would not only be destitute of that reason which warrants it in some cases, but would evacuate the great purpose of the law in all: that is, it would be more than what is necessary to comply with new and accidental necessities, and to others it would be less than what is intended in the law; it would either tie the weak to impossibilities, or give leave to the strong to be negligent and unprofitable; it would command too much or permit too much; it would either hold the bridle too hard, or break it all in pieces. But the interpretation and ease must be as accidental as the cause that enforces it, or the need that invites it; that is, every law of Christ intends that we should obey it in the perfection, that we should do it in the best way we can, and every man must do so: but because all cannot do alike, every man's best is alike in the event, but not in the action; and therefore the law which is made for man must mean no more than every man can do; but because no man is to be supposed to be in disorder and weakness till he be found to be so, therefore beforehand no compliance or easy interpretation is to be made of the degrees of duty.

§ 11. 4) No laws of Christ are to suffer diminution of interpretation in the degrees to persons that make themselves weak that they may bear but a little burden, but the gentler sentence and sense of laws is to be applied to ease the weary and the afflicted, him that desires much and can do but little; to him that loves God and loves religion, to him that endeavours heartily, and enquires diligently, and means honestly; to him that hath every thing but strength, and wants nothing but growth and time, and good circumstances and the prosperities of piety. The best indications of which state of persons are these:

WHO ARE TRULY AND INNOCENTLY WEAK AND TO BE COMPLIED WITH?

§ 12. 1) They are to be complied with who are new beginners in religion, or the uninstructed; they who want strengths not by reason of any habitual sin, but by the nature of beginnings and new changes; for none can more innocently pretend to a forbearance and sufferance, than those who have the weakness of infancy. But I added also that the uninstructed have the same pretension, for according as their degrees of ignorance are, so are the degrees of their excusable infirmity. But then by uninstructed is only meant such who have not heard, or could not learn, not such who are ever learning and

never sufficiently taught; that is, such who love to hear but not to be 'doers of the word,' such who are perverse and immorigerous, such who serve a humour or an interest, an opinion or a peevish sect in their learning. For there are some who have spent much time in the enquiries of religion, whom if you call ignorant they suppose themselves injured, and yet will require the privileges and compliances of the weak: these men trouble others, and therefore are not to be eased themselves; their weakness of state is the impotency of passion, and therefore they must not rejoice in that by which they make others grieved.

§ 13. 2) They are to be complied with according to the foregoing measures, who in all things where they know and can, do their hearty endeavours, and make no abatement to themselves, but with diligence and sincerity prosecute their duty. For this diligence and sincerity is a competent testimony that the principle of their necessity is not evil, but innocent and unavoidable. Whatsoever is not an effect of idleness or peevishness may come in upon a fair, but always comes in upon a pitiable account; and therefore is that subject which is capable of all that ease of rigour and severity which the wise masters of assemblies and interpreters of the divine laws do allow to any persons in any cases.

§ 14. 3) The last sign of subjects capable of ease is infirmity of body; and that is a certain disposition to all the mercies and remissions of the law in such cases as relate to the body and are instanced in external ministries. To which also is to be referred

4) Disability of estate in duties of exterior charity; which are to be exacted according to the proportions of men's evil power, taking in the needs of their persons and of their relations, their calling and their quality; and that God intends it should be so appears in this, because all outward duties are so enjoined that they can be supplied, and the internal grace instanced in other actions, of which there are so many kinds that some or other can be done by every one; and yet there is so great variety that no man or but very few men can do all. I instance in the several ways of mortification, viz. by fastings, by watchings and pernoctations in prayer, lyings on the ground, by toleration and patience, laborious gestures of the body in prayer, standing with arms extended, long kneelings on the bare ground, suffering contradiction and affronts, lessenings and undervaluings, peevish and cross accidents, denying ourselves lawful pleasures, refusing a pleasant morsel, leaving society and meetings of friends, and very many things of the like nature; by any of which the body may be mortified and the soul disciplined, or the outward act may be supplied by an active and intense love which can do every thing of duty. So also it is in alms, which some do by giving money to the poor, some by comforting the afflicted, some by giving silver and gold, others which have it not do yet do greater things: but since it matters not what it is we are able to do, so that we do but what we are able, it matters

not how the grace be instanced, so that by all the instances we can we do minister to the grace, it follows, that the law can be made to bend in any thing of the external instance so that the inward grace be not neglected; but therefore it is certain that because every thing of matter can by matter be hindered, and a string or a chain of iron can hinder all the duty of the hand and foot, God who imposes and exacts nothing that is impossible is contented that the obedience of the spirit be secured, and the body must obey the law as well as it can.

But there are some other considerations to be added to the main rule.

§ 15. 5) When the action is already done, and that there is no further deliberation concerning the direct duty, yet the law is not at all to be eased and lessened, if there be a deliberation concerning the collateral and accidental duty of repentance; and this is upon the same reasons as the first limitation of the rule: for when a duty is to be done, and a deliberation to be had, we are in perfect choice, and therefore we are to answer for God and for religion; and this is all one, whether the enquiry be made in the matter of innocence or repentance, that is, in the preventing of a sin or curing of it. For we are in all things tied to as great a care of our duty after we have once broken it as before, and in some things to a greater; and repentance is nothing but a new beginning of our duty, a going from our error, and a recovery of our loss, and a restitution of our health, and a being put into the same estate from whence we were fallen; so that at least all the same severities are to be used in repentance, as great a rigour of sentence, as strict a caution, as careful a walking, as humble and universal an obedience, besides the sorrow and the relative parts of duty which come in upon the account of our sin.

§ 16. 6) But if the enquiry be made after the sin is done, and that there is no deliberation concerning any present or future duty, but concerning the hopes or state of pardon, then we may hope that God will be easy to give us pardon, according to the gentlest sense and measures of the law. For this, provided it be not brought into evil example in the measures of duty afterwards, can have in it no danger: it is matter of hope, and therefore keeps a man from despair; but because it is but matter of hope, therefore it is not apt to abuse him into presumption, and if it be mistaken in the measures of the law, yet it makes it up upon the account of God's mercy: and it will be all one; either it is God's mercy in making an easy sense of the law, or God's mercy in giving an easy sentence on the man, or God's mercy in easing and taking off the punishment, and that will be all one as to the event, and therefore will be a sufficient warrant for our hope, because it will some way or other come to pass as we hope. It is all alike whether we be saved because God will exact no more of us, or because though He did exact more by His law yet He will pardon so much the more in the sentence. But this is of use only

to them who are tempted to despair, or oppressed by too violent fears; and it relies upon all the lines of the divine mercy, and upon all the arguments of comfort by which declining hopes use to be supported: and since we ourselves by observing our incurable infirmities espy some necessities of having the law read in the easier sense, we do in the event of things find that we have a need of pardon greater than we could think we should in the heats of our first conversion and the fervours of our newly returning piety; and therefore God does not only see much more reason to pity us upon the same account, but upon divers others, some whereof we know and some we know not; but therefore we can hope for more than we yet see in the lines of revelation, and possibly we may receive in many cases better measure than we yet hope for: but whoever makes this hope to lessen his duty will find himself ashamed in his hope; for no hope is reasonable but that which quickens our piety, and hastens and perfects our repentance, and purifies the soul, and engages all the powers of action, and ends in the love of God, and in a holy life.

§ 17. 7) There are many other things to be added by way of assistance to them who are pressed with the burden of a law severely apprehended, or unequally applied or not rightly understood; but the sum of them is this.

α) If the sense be hidden or dubious, do nothing till the cloud be off, and the doubt be removed.

β) If the law be indifferent to two senses, take that which is most pious and most holy.

γ) If it be between two, but not perfectly indifferent, follow that which is most probable.

δ) Do after the custom and common usages of the best and wisest men.

ε) Do with the most, and speak with the least.

ζ) Ever bend thy determination to comply with the analogy of faith, and the common measures of good life, and the glorifications and honour of God, and the utility of our neighbour.

η) Then choose thy part of obedience, and do it cheerfully and confidently, with a great industry and a full persuasion.

θ) After the action is done, enter into no new disputes whether it was lawful or no, unless it be upon new instances and new arguments relating to what is to come, and not troubling thyself with that which with prudence and deliberation thou didst (as things were then represented) well and wisely choose.

unreasonable. These things being notorious and confessed the consequents are these:

§ 6. That there is no necessity that a power of dispensing in the positive laws of Christ should be intrusted to any man, or to any society. Because the law needs it not, and the subjects need it not: and he that dispenses must either do it when there is cause, or when there is none. If he dispenses when there is no cause, he makes himself superior to the power of God by exercising dominion over His laws; if he dispenses when there is cause, he dispenses when there is no need. For if the subject can obey, he must obey, and man cannot untie what God hath bound; but if he cannot obey, he is not bound, and therefore needs not be untied; he may as well go about to unbend a strait line, or to number that which is not, as to dispense in a law to which in such cases God exacts no obedience.

§ 7. Panormitan[e] affirms that the pope hath power to dispense in all the laws of God, except in the articles of faith; and to this purpose he cites Innocentius *in c. 'Cum ad monasterium,' de stat. monachorum*[f]. Felinus[g] affirms that the pope can change the form of baptism, and that he can with one word, and without all solemnity consecrate a priest, and that he can by his word alone make a bishop: and though these pretences are insolent and strange, yet in fact he does as much as this comes to; for the pope gives leave sometimes to a mere priest to give confirmation, which by divine right is only belonging to bishops by their own confession. That the blessed eucharist is to be consecrated in both kinds is certainly of divine right, and so confessed by the church of Rome; but the pope hath actually dispensed in this article and given leave to some to consecrate in bread only, and particularly to the Norvegians a dispensation was given by Innocent the eighth, as I have already noted out of Volaterranus.

§ 8. There are some learned men amongst them who speak in this question with less scandal, but almost with the same intentions and effects. Some of their divines, particularly the bishop of the Canaries[h], says that the pope hath not power to dispense in the whole, or in all the laws of God, but in some only; namely where the observation of the law is *impeditiva majoris boni*, 'a hindrance or obstruction to a greater spiritual good,' as it may happen in oaths and vows; and (Sanchez adds) in the consecration of the blessed sacrament in both kinds: in these, say they, the pope can dispense. But where the observation of the laws in the particular brings no evil or inconvenience, and does never hinder a greater good, there the laws are indispensable; such as are confession, baptism, using a set form of words in the ministration of the sacraments. So that the meaning

[e] C. 'Proposuit.' de concess. præbend., n. 20. [part. iii. fol. 57 a.]

[f] [Greg. IX. decret., lib. iii. tit. 35. cap. 6. col. 1198.]

[g] In c. 'Quæ in eccles.,' in const. n. 19, 20. [in decret. part. 1. fol. 25. Lugd. 1587.]

[h] Canus, relect. de pœnitent., part. vi. ad finem. [p. 971.]

is, the pope never wants a power to do it, if there be not wanting an excuse to colour it: and then in effect the divines agree with the lawyers; for since the power of dispensing is given in words indefinite and without specification of particulars (if it be given at all) the authority must be unlimited as to the person, and can be limited only by the incapacity of the matter; and if there could be any inconvenience in any law, there might be a dispensation in it. So that the divines and the lawyers differ only in the instances; which if we should consider, or if any great interest could be served by any, there can be no doubt but it would be found a sufficient cause of dispensation. So that this is but to cozen mankind with a distinction to no purpose, and to affirm that the pope cannot dispense in such things which yield no man any good or profit; such as is the using a set form of words in baptism, or the like; and they may at an easy rate pretend the pope's power to be limited, when they only restrain him from violating a divine law, when either the observation of it is for his own advantage, as in confession (meaning to a priest) or when it serves the interest of no man to have it changed, as in the forms of sacraments.

§ 9. But then, that I may speak to the other part; to say that the pope may dispense in a divine law when the particular observation does hinder a greater spiritual good, and that this is a sufficient cause, is a proposition in all things false, and in some cases, even in those where they instance, very dangerous.

It is false, because if a man can by his own act be obliged to do a thing which yet is impeditive of a greater temporal good, then God can by His law oblige his obedience, though accidentally it hinder a greater spiritual good. Now if a man have promised, he must keep it 'though it were to his own hindrance,' said David[1]; and a man may not break his oath though the keeping of it hinder him from many spiritual comforts and advantages; nay a man may neglect a spiritual advantage for a temporal necessity; and in the Bohemian wars, the king had better been at the head of his troops than at a sermon when Prague was taken.

But I consider (for that is also very material) that it is dangerous. For when men to justify a pretence, or to verify an action, or to usurp a power, shall pretend that there is on the other side a greater spiritual good, they may very easily deceive others, because either voluntarily or involuntarily they deceive themselves: for when God hath given a commandment, who can say that to let it alone can do more good to a man's soul than to keep it? I instance in a particular which is of great interest with them. If a man have vowed to a woman to marry her, and contracted himself to her *per verba de præsenti;* she according to her duty loves him passionately, hath married her very soul to him, and her heart is bound up in his: but he changes his mind, and enters into religion, but stops at the very gate

[1] [Psalm xv. 4.]

and asks who shall warrant him for the breach of his faith and to his spouse? The pope answers he will, and though by the l God he be tied to that woman, yet because the keeping of tha would hinder him from doing God better service in religion, t a sufficient cause for him to dispense with his vow. This tl the case concerning which I enquire: α) How does it appea to enter into a monastery is absolutely a greater spiritual good to live chastely with the wife of his love and vows? β) I en whether to break a man's vow be not of itself (abstracting fr extrinsical pretensions and collateral inducements) a very great and if there were not a great good to follow the breach of it, mand whether could the pope dispense or give leave to any m do it? If he could, then it is plain he can give leave to a m do a very great evil; for without the accidentally consequent it is confessed to be very evil to break our lawful vows. But cannot dispense with his vow unless some great good were to f upon the breach of it, then it is clear he can give leave to a m do evil that good may come of it. For if without such a reas such a consequent good the pope could not dispense, then the sequent good does legitimate the dispensation, and either an ev done for a good end is lawful and becomes good, or else the plainly gives him leave to do that which is still remaining evil, good end: either of which is intolerable, and equally against apostle's rule, which is also a rule of natural religion and reason man must do evil for a good end.' But then, γ) who can assur that an act of religion is better than an act of justice? or that will be served by doing my wife an injury? or that He will a of me a new vow which is perfectly a breaking of an old? or by our vows to our wives we are not as much obliged to God a our monastical vows before our abbot? or that marriage is n great an act of religion if wisely and holily undertaken (as it o to be) as the taking the habit of S. Francis? or that I can be c ble of giving myself to religion when I have given the right power of myself away to another? or that I may not as well from a man to give alms to the poor, as wrong my wife to give self to a cloister? or that he can ever give himself to religion breaks the religion of vows and promises, of justice and honou faith and the sacramental mystery, that he may go into religion that my retirement in a cloister, and doing all that is there inte can make recompense for making my wife miserable, and it ma desperate and calamitous all her life time? Can God be delig with my prayers which I offer to Him in a cloister, when it ma at the same time my injured spouse is praying to God to do justice and to avenge my perjuries upon my guilty head, and it be, cries loud to God and weeps and curses night and day? who tell which is better, or which is worse? For marriage and si life of themselves are indifferent to piety or impiety, they ma

used well, or abused to evil purposes; but if they take their estimate by the event, no man can beforehand tell which would have been the greater spiritual good. But suppose it as you list, yet,

§ 11. I consider that when God says that 'obedience is better than sacrifice,' He hath plainly told us that no pretence of religion, or of a greater spiritual good, can legitimate vow-breach, or disobedience to a divine commandment: and therefore either the pope must dispense in all laws of Christ, and without all reason, that is, by his absolute authority and supereminency over the law and the power that established it, or else he cannot dispense at all; for there is no reason that can legitimate our disobedience.

§ 12. But then if we consider the authority itself, the considerations will be very material. No man pretends to a power of dispensing in the law of God but the pope only; and he only upon pretence of the words spoken to S. Peter[j], "Whatsoever thou shalt loose on earth shall be loosed in heaven." Now did ever any of the apostles or apostolical men suppose that S. Peter could in any case dispense with vow-breach, or the violation of a lawful oath? Was not all that power which was then promised to him wholly relative to the matter of fraternal correption? and was it not equally given to the apostles? for either it was never performed to S. Peter, or else it was alike promised and performed to all the apostles[k], in the donation of the Spirit, and of the power of binding, and the words of Christ to them before and after His resurrection: so that by certain consequence of this, either all the successors of the apostles have the same power, or none of the successors of S. Peter. Or if the successors of S. Peter only, why not his successors at Antioch as well as his successors at Rome? since it is certain that he was at Antioch, but is not so certain that he was at all at Rome, for those things that Ulrichus Velenus says against it in a tractate on purpose on that subject, and published by Goldastus[l] in his third tome, are not inconsiderable allegations and arguments for the negative, but I shall give account of that enquiry in some of the following pages. And yet suppose he was, yet it is as likely, that is, as certain as the other, that after the martyrdom of S. Peter and S. Paul there were two bishops or popes of Rome; as it is conjectured by the different catalogues of the first successions, and by their differing presidencies or episcopacies, one being over the circumcision and the other over the uncircumcision (if I say they were at all, concerning which I have no occasion to interpose my sentence). But if either this gift was given in common to all the apostles, or if it was given personally to S. Peter, or if it means only the power of discipline over sinners and penitent persons, or if it does not mean to destroy all justice and human contracts, to rescind all the laws of God and man, to make Christ's laws subject to Christ's minister, and Christ's kingdom to be

[j] [Matt. xvi. 19.] [k] [Matt. xviii. 18; John xx. 23.]
[l] [Monarch. S. Rom. imp., tom. iii. fol. Francof. 1613.]

the pope's inheritance and possession *in alto dominio;* if those words of Christ to S. Peter are so to be understood as that His subjects and servants shall still be left in those rights which He hath given and confirmed and sanctified; then it follows undeniably that S. Peter's power of the keys is not to be a pick-lock of the laws of his master, but to bind men to the performance of them, or to the punishment of breaking them; and if by those words of "Whatsoever thou shalt loose" it be permitted to loose and untie the band of oaths and vows, then they may also mean a power of loosing any man's life, or any man's right, or any man's word, or any man's oath, or any man's obligation solemn or unsolemn, when he hath really an interest or reason so to do, of which reason himself only can be the warrantable judge: which things because they are unsufferably unreasonable, that pretence which infers such evils and such impieties must be also unsufferable and impossible.

§ 13. I conclude therefore with this distinction. There is a proper dispensation, that is, such a dispensation as supposes the obligation remaining upon that person who is to be dispensed with; but no man or society of men can in this sense dispense with any law of Christ. But there is a dispensation improperly so called, which does not suppose a remanent obligation, and therefore pretends not to take away any, but supposes only a doubt remaining whether the law does by God's intention oblige or no: he that hath skill and authority and reason to declare that in such special cases God intended not to oblige the conscience, hath taken away the doubt, and made that to become lawful which without such a declaration by reason of the remaining doubt was not so. This is properly an interpretation; but because it hath the same effect upon the man which the other hath directly upon the law, therefore by divines and lawyers it is sometimes also called a dispensation, but improperly.

§ 14. But the other consequent arising from the first observations which I made upon this rule is this, that as there is no necessity that there should be any dispensation in the laws of Jesus Christ, so in those cases where there may be an improper dispensation, that is, an interpretation or declaration that the law in this case does not bind at all, no man must by way of equity or condescension and expedient appoint any thing that the law permits not, or declare that a part of the law may be used, when the whole is in the institution. For example, the Norvegians[m] complained that they could very seldom get any wine into their country, and when it did come it was almost vinegar or vapp; he who had reason and authority might then certainly have declared that precept of consecrating did not oblige when they had not matter with which they were to do it; because no good law obliges to impossibilities. But then no man of his own head might interpose an expedient, and say, though you have no wine to consecrate and celebrate withal, yet you may do it in ale or

[m] [See p. 545 above.]

mead; nor yet might he warrant an imperfect consecration and allow that the priests should celebrate with bread only. The reason is, because all institutions sacramental and positive laws depend not upon the nature of the things themselves, according to the extension or diminution of which our obedience might be measured; but they depend wholly on the will of the lawgiver, and the will of the supreme, being actually limited to this specification, this manner, this matter, this institution; whatsoever comes besides it hath no foundation in the will of the legislator, and therefore can have no warrant or authority. That it be obeyed or not obeyed is all the question and all the variety. If it can be obeyed it must, if it cannot it must be let alone. The right mother that appeared before Solomon demanded her child; half of her own was offered, but that was not it which would do her any good, neither would she have been pleased with a whole bolster of goat's hair, or with a perfect image of her child, or with a living lamb; it was her own child which she demanded: so it is in the divine institution; whatsoever God wills that we must attend to; and therefore whatsoever depends upon a divine law or institution, whatsoever is appointed instrumental to the signification of a mystery, or to the collation of a grace or a power, he that does any thing of his own head, either must be a despiser of God's will, or must suppose himself the author of a grace, or else to do nothing at all in what he does, because all his obedience and all the blessing of his obedience depends upon the will of God, which ought always to be obeyed when it can, and when it cannot nothing can supply it, because the reason of it cannot be understood, for who can tell why God would have the death of His Son celebrated by bread and wine? why by both the symbols? why by such? and therefore no proportions can be made, and if they could yet they cannot be warranted.

§ 15. This rule is not only to be understood concerning the express positive laws and institutions of our blessed Lawgiver, but even those which are included within those laws, or are necessary appendages to those institutions, are to be obeyed, and can neither be dispensed withal nor diverted by any suppletory or expedient. Thus to the law of representing and commemorating the death of our dearest Lord by the celebration of His last supper it is necessarily appendent and included that we should come worthily prepared, lest that which is holy be given to dogs, and holy things be handled unholily. In this case there can be no dispensation; and although the curates of souls having the key of knowledge and understanding to divide the word of God rightly, have power and warrant to tell what measures and degrees of preparation are just and holy, yet they cannot give any dispensation in any just and required degree, nor by their sentence effect that a less degree than God requires in the appendent law can be sufficient to any man; neither can any human authority commute a duty that God requires,

and when He demands repentance no man can dispense with him, that is, to communicate, or give him leave to give alms instead of repentance. But if in the duty of preparation God had involved the duty of confession to a priest, this might have in some cases been wholly let alone; that is, in case there were no priest to be had but one, who were to consecrate and who could not attend to hear my confessions; and the reason is, because in case of the destitution of any material or necessary constituent part of the duty, there is no need of equity or interpretation, because the subject matter of degrees of heightenings and diminutions being taken away, there can be no consideration of the manner or the degrees superstructed. When any condition intrinsically and in the nature of the thing included in an affirmative precept is destituent or wanting, the duty itself falls without interpretation.

§ 16. Lastly, this rule is to be understood also much more concerning the negative precepts of the religion, because there can be no hindrance to the duties of a negative precept; every man can let any thing alone, and he cannot be forced from his silence or his omission, for he can sit still and die; violence can hinder an action, but cannot effect it or express it: and therefore here is no place for interpretation, much less for dispensation, neither can it be supplied by any action or by any omission whatsoever.

But upon the matter of this second consequent remarked above (§ 14) it is to be enquired whether in no case a supply of duty is to be made, or whether or no it is not better in some cases, that is, when we are hindered from doing the duty commanded, to do something when we cannot do all; or are we tied to do nothing when we are innocently hindered from doing of the whole duty.

WHEN WE MAY BE ADMITTED TO DO PART OF OUR DUTY, AND WHEN TO SUPPLY IT BY SOMETHING ELSE.

§ 17. 1) Negative precepts have no parts of duty, no degrees of obedience, but consist in a mathematical point; or rather in that which is not so much, for it consists in that which can neither be numbered nor weighed. No man can go a step from the severest measure of a negative commandment; if a man do but in his thought go against it, or in one single instance do what is forbidden, or but begin to do it, he is entirely guilty. 'He that breaks one is guilty of all,' said S. James[n]; it is meant of negative precepts, and then it is true in every sense relating to every single precept, and to the whole body of the negative commandments. He that breaks one hath broken the band of all, and he that does sin in any instance or imaginary degree against a negative hath done the whole sin that is in that commandment forbidden.

[n] [chap. ii. 10.]

§ 18. 2) All positive precepts that depend upon the mere will of the lawgiver (as I have already discoursed) admit no degrees, nor suppletory and commutation; because in such laws we see nothing beyond the words of the law, and the first meaning and the named instance, and therefore it is that *in individuo* which God points at, it is that in which He will make the trial of our obedience; it is that in which He will so perfectly be obeyed, that He will not be disputed with, or enquired of why and how, but just according to the measures there set down; so, and no more, and no less, and no otherwise. For when the will of the lawgiver is all the reason, the first instance of the law is all the measures, and there can be no product but what is just set down. No parity of reason can infer any thing else, because there is no reason but the will of God; to which nothing can be equal, because His will can be but one. If any man should argue thus, Christ hath commanded us to celebrate His death by blessing and communicating in bread and wine; this being plainly His purpose, and I finding it impossible to get wine, consider that water came out of His side as well as blood, and therefore water will represent His death as well as wine, for wine is but like blood, and water is more like itself, and therefore I obey Him better, when in the letter I cannot obey Him; he, I say, that should argue thus, takes wrong measures, for it is not here to be enquired which is most agreeable to our reason, but which complies with God's will, for that is all the reason we are to enquire after.

§ 19. 3) In natural laws and obligations depending upon true and proper reason drawn from the nature of things, there we must do what we can, and if we cannot do all that is at first intended, yet it is secondarily intended that we should do what we can. The reason is, because there is a natural cause of the duty, which like the light of the sun is communicated in several days according as it can be received; and therefore whatever partakes of that reason is also a duty of that commandment. Thus it is a duty of natural and essential religion that we should worship God with all the faculties of the soul, with all the actions of the body, with all the degrees of intension, with all the instances and parts of extension. For God is the Lord of all; He expects all, and He deserves all, and will reward all, and every thing is designed in order to His service and glorification: and therefore every part of all this is equally commanded, equally required, and is symbolical to the whole; and therefore in the impossibility of the performance of any one, the whole commandment is equally promoted by another; and when we cannot bow the knee, yet we can incline the head, and when we cannot give, we can forgive, and if we have not silver and gold, we can pay them in prayers and blessings; and if we cannot go with our brother two mile, we can (it may be) go one, or one half; let us go as far as we can, and do all that is in our power and in our circumstances. For since our duty here can grow, and every instance does according to its portion do in

its own time and measures the whole work of the commandment, God accepts us in every step of the progression, that is, in all grees; for He breaks not the bruised reed, and He quenches not smoking flax; it follows, that though we are not tied to do all, e that which is beyond our powers, yet we must do what we can tow it; even a part of the commandment may in such cases be accep for our whole duty.

§ 20. 4) In external actions which are instances of a natural moral duty, if there be any variety one may supply the other; if th be but one, it can be supplied by the internal only and spiritu But the internal can never be hindered, and can never be changed supplied by any thing else; it is capable of no suppletory, but of grees it is: and if we cannot love God as well as Mary Magdal loved Him, let us love Him so as to obey Him always, and so a superadd degrees of increment to our love, and to our obedience; for this or that expression it must be as it can, and when it can must be this or another; but if it can be neither upon the hand must be all that is intended upon the heart; and as the body h the soul in the ministries of her duty, so the soul supplies the b in the essentialities of it and indispensable obedience.

RULE XII.

NOT EVERY THING THAT IS IN THE SERMONS AND DOCTRINE OF JESUS CH WAS INTENDED TO BIND AS A LAW AND COMMANDMENT.

§ 1. EVERY thing that is spoken by our blessed Saviour is to placed in that order of things where Himself was pleased to put Whatsoever He propounded to us under the sanction of love, and the invitation of a great reward, that is so to be understood as tha may not become a snare, by being supposed in all cases and to persons to be a law. For laws are established by fear and love t that is, by promises and threatenings; and nothing is to be esteem a law of Christ but such things which if we do not observe we sh die, or incur the divine displeasure in any instance or degree. I there are some things in the sermons of Christ which are reco mended to the diligence and love of men; such things whither n must tend and grow. Thus it is required that we should love G with all our heart, which is indeed a commandment and the first a the chiefest; but because it hath an infinite sense, and is capable degrees beyond all the actualities of any man whatsoever, therefo it is encouraged and invited further by a reward that will be grea than all the work that any man can do. But yet there is also *minimum morale* in it, that is, that degree of love and duty, less th

which is by interpretation no love, no duty at all; and that is, that we so love God, that we love nothing against Him, that we love nothing more than Him, that we love nothing equal to Him, that we love nothing disparately and distinctly from Him, but in subordination to Him; that is, so as to be apt to yield and submit to His love, and comply with our duty. Now then, here must this law begin, it is a commandment to all persons and at all times to do thus much; and this being a general law of which all other laws are but instances and specifications, the same thing is in all the particular laws which is in the general: there is in every one of them a *minimum morale*, a legal sense of duty, which if we prevaricate or go less than it, we are transgressors; but then there is also a latitude of duty, or a sense of love and evangelical increase, which is a further pursuance of the duty of the commandment, but is not directly the law, but the love; to which God hath appointed no measures of greatness, but hath invited as forward as the man can go.

§ 2. For it is considerable that since negative precepts include their affirmatives, and affirmatives also do infer the negatives (as I have already discoursed), and yet they have differing measures and proportions, and that the form of words and signs negative or affirmative are not the sufficient indication of the precepts, we can best be instructed by this measure; There is in every commandment a negative part and an affirmative: the negative is the first, the least and the lowest sense of the law and the degree of duty; and this is obligatory to all persons and cannot be lessened by excuse, or hindered by disability, or excused by ignorance; neither is it to stay its time or to wait for circumstances, but obliges all men indifferently. I do not say that this is always expressed by negative forms of law or language, but is by interpretation negative; it operates or obliges as do the negatives. For when we are commanded to love our neighbour as ourself, the least measure of this law, the legal or negative part of it is, that we should not do him injury; that we shall not do to him what we would not have done to ourselves. He that does not in this sense love his neighbour as himself hath broken the commandment; he hath done that which he should not do, he hath done that which he cannot justify, he hath done that which was forbidden: for every going less than the first sense of the law, than the lowest sense of duty, is the commission of a sin, a doing against a prohibition.

§ 3. But then there are further degrees of duty than the first and lowest, which are the affirmative measures; that is, a doing excellent actions and instances of the commandments, a doing the commandment with love and excellency, a progression in the exercise and methods of that piety, the degrees of which because they are affirmative therefore they oblige but in certain circumstances; and are under no law absolutely, but they grow in the face of the sun, and pass on to perfection by heat and light, by love and zeal, by hope and by reward.

§ 4. Now concerning these degrees it is that I affirm that every thing is to be placed in that order of things where Christ left it: and he that measures other men by his own stature, and exacts of children the wisdom of old men, and requires of babes in Christ the strengths and degrees of experienced prelates, he adds to the laws of Christ; that is, he ties where Christ hath not tied, he condemns where Christ does not condemn. It is not a law that every man should in all the stages of his progression be equally perfect; the nature of things hath several stages, and passes by steps to the varieties of glory. For so laws and counsels differ, as first and last, as beginning and perfection, as reward and punishment, as that which is simply necessary, and that which is highly advantageous; they differ not in their whole kind, for they are only the differing degrees of the same duty. He that does a counsel evangelical does not do more than his duty, but does his duty better: he that does it in a less degree shall have a less reward, but he shall not perish if he does obey the just and prime or least measures of the law.

§ 5. Let no man therefore impose upon his brother the heights and summities of perfection under pain of damnation or any fearful evangelical threatening; because these are to be invited only by love and reward, and by promises only are bound upon us, not by threatenings. The want of the observing of this hath caused impertinent disputes and animosities in men, and great misunderstandings in this question. For it is a great error to think that every thing spoken in Christ's sermons is a law, or that all the progressions and degrees of christian duty are bound upon us by penalties as all laws are. The commandments are made laws to us wholly by threatenings; for when we shall receive a crown of righteousness in heaven, that is by way of gift, merely gratuitous; but the pains of the damned are due to them by their merit and by the measures of justice, and therefore it is remarkable that our blessed Saviour[o] said, "when ye have done all that ye are commanded, ye are unprofitable servants;" that is, the strict measures of the laws or the commandments given to you are such which if ye do not observe ye shall die according to the sentence of the law; but if ye do, ye are yet unprofitable, ye have not deserved the good things that are laid up for loving souls: but therefore towards that we must superadd the degrees of progression and growth in grace, the emanations of love and zeal, the methods of perfection and imitation of Christ. For by the first measures we escape hell; but by the progressions of love only and the increase of duty, through the mercies of God in Christ we arrive at heaven. Not that he that escapes hell may in any case fail of heaven; but that whosoever does obey the commandment in the first and least sense, will in his proportion grow on towards perfection. For he fails in the first, and does not do that worthily, who if he have time does not go on to the second.

[o] [Luke xvii. 10.]

§ 6. But yet neither are these counsels of perfection left wholly to our liberty so as that they have nothing of the law in them; for they are pursuances of the law, and of the same nature, though not directly of the same necessity, but collaterally and accidentally they are. For although God follows the course and nature of things, and therefore does not disallow any state of duty that is within His own measures, because there must be a first before there can be a second, and the beginning must be esteemed good, or else we ought not to pursue it and make it more in the same kind; yet because God is pleased to observe the order of nature in His graciousness, we must do so too in the measures of our duty. Nature must begin imperfectly, and God is pleased with it, because Himself hath so ordered it; but the nature of things that begin and are not perfect, cannot stand still. God is pleased well enough with the least or the negative measure of the law, because that is the first or the beginning of all; but we must not always be beginning, but pass on to perfection, and it is perfection all the way, because it is the proper and the natural method of the grace to be growing: every degree of growth is not the perfection of glory, but neither is it the absolute perfection of grace, but it is the relative perfection of it; just as corn and flowers are perfectly what they ought to be when in their several months they are arrived to their proper stages: but if they do not still grow till they be fit for harvest, they wither and die and are good for nothing. He that does not go from strength to strength, from virtue to virtue, from one degree of grace to another, he is not at all in the methods of life, but enters into the portion of thorns and withered flowers, fit for excision and for burning.

§ 7. Therefore 1) no man must in the keeping the commandments of Christ set himself a limit of duty, hither will I come and no further: for the tree that does not grow is not alive, unless it already have all the growth it can have; and there is in these things thus much of a law. Evangelical counsels are thus far necessary, that although in them, that is, in the degrees of duty, there are no certain measures described; yet we are obliged to proceed from beginnings to perfection.

§ 8. 2) Although every man must impose upon himself this care, that he so do his duty that he do add new degrees to every grace; yet he is not to be prejudiced by any man else, nor sentenced by determined measures of another man's appointment. God hath named none, but intends all; and therefore we cannot give certain sentence upon our brother, since God hath described no measures, but intends that all, whither no man can perfectly arrive here, and therefore it is supplied by God hereafter.

§ 9. 3) But the rule is to be understood in great instances as well as in great degrees of duty: for there are in the sermons of Christ some instances of duties, which although they are pursuances of laws and duty, yet in their own material natural being are not laws, but

both in the degree implied and in the instance expressed are counsels evangelical; to which we are invited by great rewards, but not obliged to them under the proper penalties of the law. Such are making ourselves eunuchs for the kingdom of heaven, selling all and giving it to the poor. The duties and laws here signified are chastity, charity, contempt of the world, zeal for the propagation of the gospel: the virtues themselves are direct duties, and under laws and punishment, but that we be charitable to the degree of giving all away, or that we act our chastity by a perpetual celibate, are not laws; but for the outward expression we are wholly at our liberty; and for the degree of the inward grace, we are to be still pressing forwards towards it, we being obliged to do so by the nature of the thing, by the excellency of the reward, by the exhortations of the gospel, by the example of good men, by our love to God, by our desires of happiness, and by the degrees of glory. Thus S. Paul took no wages of the Corinthian churches; it was an act of an excellent prudence and great charity, but it was not by the force of a general law, for no man else was bound to it, neither was he; for he did not do so to other churches; but he pursued two or three graces to excellent measures and degrees; he became exemplary to others, useful to that church, and did advantage the affairs of religion: and though possibly he might, and so may we, by some concurring circumstances be pointed out to this very instance and signification of his duty, yet this very instance, and all of the same nature are counsels evangelical; that is, not imposed upon us by a law, and under a threatening, but left to our liberty, that we may express freely what we are necessarily obliged to do in the kind, and to pursue forwards to degrees of perfection.

§ 10. These therefore are the characteristic notes and measures, to distinguish a counsel evangelical from the laws and commandments of Jesus Christ.

THE NOTES OF DIFFERENCE BETWEEN COUNSELS AND COMMANDMENTS EVANGELICAL.

1) Where there is no negative expressed nor involved, there is cannot be a law; but it is a counsel evangelical. For in every law there is a degree of duty so necesssary, that every thing less than it is a direct act or state of sin, and therefore if the law be affirmative the negative is included, and is the sanction of the main duty. "Honour thy father and mother," that is a law; for the lowest step of the duty there enjoined is bound upon us by this negative, "thou shalt not curse thy father or mother;" or, thou shalt not deny to give them maintenance. Thou shalt not dishonour them, not slight, not undervalue, not reproach, not upbraid, not be rude or disobedient to them: whenever such a negative is included, that is the indication of a law. But in counsels evangelical there is nothing but what is

affirmative. There are some who make themselves eunuchs for the kingdom of heaven; that is the intimation of a religious act or state: but the sanction of it is nothing that is negative, but this only, "He that hath ears to hear let him hear," and *Qui potest capere capiat*[p], 'he that can receive it let him receive it:' and "he that hath power over his will, and hath so decreed in his heart, does well[q]." In commandments it is, 'he that does the duty does well, he that does not does ill:' but in counsels it is, 'he that does not may do well, but he that does does better,' as S. Paul discourses in the question of marriage; in which instance it is observable that the comparison of celibate and marriage is not in the question of chastity, but in the question of religion; one is not a better chastity than the other. Marriage is κοίτη ἀμίαντος, an 'undefiled' state; and nothing can be cleaner than that which is not at all unclean; but the advantages of celibate above marriage as they are accidental and contingent, so they are relative to times and persons and states, and external ministries; for to be made an "eunuch for the kingdom of heaven[r]," is the same that S. Paul[s] means by, "the unmarried careth for the things of the Lord;" that is, in these times of trouble and persecution, they who are not entangled in the affairs of a household can better travel[t] from place to place in the ministries of the gospel, they can better attend to the present necessities of the church, which are called 'the things of the Lord,' or the affairs of 'the kingdom of heaven:' but at no hand does it mean that the state of single life is of itself a counsel evangelical, or a further degree of chastity; but of an advantageous ministry to the propagation of the gospel. But be it so or be it otherwise, yet it is a counsel and no law, because it hath no negative part in its constitution, or next appendage.

§ 11. 2) When the action or state is propounded to us only upon the account of reward, and there is no penalty annexed, then it is a counsel and no law: for there is no legislative power where there is no coercitive; and it is but a precarious government, where the lawgiver cannot make the subject either do good or suffer evil: and therefore the *jus gladii* and the *merum imperium* are all one; and he that makes a law and does not compel the involuntary does but petition the subject to obey, and must be content he shall do it when he hath a mind to it. But therefore as soon as men made laws, and lived in communities, they made swords to coerce the private, and wars to restrain the public irregularities of the world.

> ——— dehinc absistere bello,
> Oppida cœperunt munire, et ponere leges,
> Ne quis fur esset, neu latro, neu quis adulter[u].

For it was impossible to preserve justice, or to defend the innocent,

[p] [Matt. xix. 12.]
[q] [1 Cor. vii. 37.]
[r] [Matt. xix. 12.]
[s] [1 Cor. vii. 34.]
[t] ['travail,' A.]
[u] [Hor. sat. i. 3. 104.]

it can be answered and made evident by common sense, and the perpetual experience and the natural necessity of things. For the laws of Jesus Christ were intended to regulate human actions in the great lines of religion, justice, and sobriety, in which as there are infinite particulars which are to be conducted by reason and by analogy to the laws and rules given by Jesus Christ, so it is certain that as the general lines and rules are to be understood by reason how far they do oblige, so by the same we can know where they do not. But we shall quickly come to issue in this affair. For if for every thing there is a law or an advice, let them that think so find it out and follow it. If there be not for every thing such provision, their own needs will yet become their lawgiver, and force them to do it without a law. Whether a man shall speak French or English; whether baptized persons are to be dipped all over the body, or will it suffice that the head be plunged; whether thrice or once, whether in water of the spring, or the water of the pool; whether a man shall marry or abstain; whether eat flesh or herbs; choose Titius or Caius for my friend; be a scholar or a merchant, a physician or a lawyer; drink wine or ale; take physic for prevention, or let it alone; give to his servant a great pension or a competent; what can the holy scriptures have to do with any thing of these, or any thing of like nature and indifferency?

§ 2. For by nature all things are indulged to our use and liberty; and they so remain till God by a supervening law hath made restraints in some instances to become matter of obedience to him, and of order and usefulness to the world; but therefore where the law does not restrain, we are still free as the elements, and may move as freely and indifferently as the atoms in the eye of the sun. And there is infinite difference between law and lawful; indeed there is nothing that is a law to our consciences but what is bound upon us by God, and consigned in holy scripture (as I shall in the next rule demonstrate), but therefore every thing else is permitted or lawful that is not by law restrained: liberty is before restraint, and till the fetters are upon us we are under no law and no necessity but what is natural. But if there can be any natural necessities, we cannot choose but obey them, and for these there needs no law or warrant from scripture. No master needs to tell us or to give us signs to know when we are hungry or athirst; and there can be as little need that a lawgiver should give us a command to eat when we are in great necessity so to do. Every thing is to be permitted to its own cause and proper principle. Nature and her needs are sufficient to cause us to do that which is for her preservation; right reason and experience are competent warrant and instruction to conduct our affairs of liberty and common life; but the matter and design of laws is *honeste vivere, alterum non lædere, suum cuique tribuere;* or as it is more perfectly described by the apostle[x], that we should 'live a godly, a righteous, a sober life;' and beyond these there needs no

[x] [Tit. ii. 12.]

law: when nature is sufficient Jesus Christ does not interpose, and unless it be where reason is defective or violently abused, we cannot need laws of self-preservation, for that is the sanction and great band and endearment of all laws: and therefore there is no express law against self-murder in all the New testament, only it is there and every where else by supposition, and the laws take care to forbid that, as they take care of fools and madmen; men that have no use or benefit of their reason or of their natural necessities and inclinations must be taken under the protection of others; but else when a man is in his wits, or in his reason, he is defended in many things, and instructed in more without the help or need of laws: nay it was need and reason that first introduced laws; for no law but necessity and right reason taught the first ages,

> Dispersos trahere in populum, migrare vetusto
> De nemore, et proavis habitatas linquere sylvas;
> Ædificare domos, laribus conjungere nostris
> Tectum aliud, tutos vicino limine somnos
> Ut collata daret fiducia; protegere armis
> Lapsum, aut ingenti nutantem vulnere civem,
> Communi dare signa tuba, defendier iisdem
> Turribus, atque una portarum clave teneri[y].

To meet and dwell in communities, to make covenants and laws, to establish equal measures, to do benefit interchangeably, to drive away public injuries by common arms, to join houses that they may sleep more safe: and since laws were not the first inducers of these great transactions, it is certain they need not now to enforce them, or become our warrant to do that without which we cannot be what we cannot choose but desire to be.

§ 3. But if nothing were to be done but what we have scripture for, either commanding or commending, it were certain that with a less hyperbole than S. John[z] used, "the world could not contain the books which should be written;" and yet in such infinite numbers of laws and sentences no man could be directed competently, because his rule and guide would be too big, and every man in the enquiry after lawful and unlawful would be just so enlightened as he that must for ever remain blind unless he take the sun in his hand to search into all the corners of darkness; no candlestick would hold him, and no eye could use him. But supposing that in all things we are to be guided by scripture, then from thence also let us enquire for a conduct or determination even in this enquiry, whether we may not do any thing without a warrant from scripture? and the result will be that if we must not do any thing without the warrant of scripture, then we must not for every thing look in scripture for a warrant; because we have from scripture sufficient instruction that we should not be so foolish and importune as to require from thence

[y] Juv. sat., lib. xv. [151.] [z] [chap. xxi. 5.]

a warrant for such things in which we are by other instruments o petently instructed, or left at perfect liberty.

§ 4. Thus S. Paul[a] affirms, "All things are lawful for me;" speaks of meats and drinks, and things left in liberty, concerning wl because there is no law, and if there had been one under Moses it taken away by Christ, it is certain that every thing was lawful, cause there was no law forbidding it: and when S. Paul[b] said, "I speak I, not the Lord," he that did according to that speaking according to his own liberty, not according to the word of the Lo and S. Paul's saying in that manner is so far from being a warra to us from Christ, that because he said true, therefore we are cert he had no warranty from Christ, nothing but his own reasons conjecture. But when our blessed Saviour said, "And why of yo selves do ye not judge what is right[c]?" He plainly enough said t to our own reason and judgment many things are permitted wh are not conducted by laws or express declarations of God.

Add to this, that because it is certain in all theology, that "wh soever is not of faith is sin[d]," that is, whatsoever is done against actual persuasion becomes to us a sin, though of itself it were n and that we can become a law unto ourselves by vows and promis and voluntary engagements and opinions, it follows that those thi which of themselves infer no duty, and have in them nothing bu collateral and accidental necessity, are permitted to us to do as please, and are in their own nature indifferent, and may be so also use and exercise: and if we take that which is the less perfect p in a counsel evangelical, it must needs be such a thing as is neith commanded nor commended, for nothing of it is commanded at and that which is commended is the more not the less perfect pa and yet that we may do that less perfect part, of which there neither a commandment nor a commendation, but a permission on appears at large in S. Paul's discourse concerning virginity and m riage, 1 Corinth. vii. 6—37. But a permission is nothing but a prohibiting, and that is lawful which is not unlawful, and ev thing may be done that is not forbidden: and there are very ma things which are not forbidden nor commanded; and therefore th are only lawful and no more.

§ 5. But the case in short is this; in scripture there are ma laws and precepts of holiness, there are many prohibitions and sev cautions against impiety; and there are many excellent measures good and evil, of perfect and imperfect: whatsoever is good we obliged to pursue, whatsoever is forbidden must be declined, wh soever is laudable must be loved and followed after. Now if that we are to do can come under one of these measures, when see it, there is nothing more for us to do but to conform our acti accordingly. But if there be many things which cannot be fitted

[a] [1 Cor. vi. 12; x. 23.]
[b] [1 Cor. vii. 12.]
[c] [Luke xii. 57.]
[d] [Rom. xiv. 23.]

these measures, and yet cannot be let alone, it will be a kind of madness to stand still, and to be useless to ourselves and to all the world, because we have not a command or a warrant to legitimate an action which no lawgiver ever made unlawful.

§ 6. But this folly is not gone far abroad into the world; for the number of madmen is not many, though possibly the number of the very wise is less: but that which is of difficulty is this,

Quest.

Whether in matters of religion we have that liberty as in matters of common life? or whether is not every thing of religion determined by the laws of Jesus Christ; or may we choose something to worship God withal, concerning which He hath neither given us commandment or intimation of His pleasure?

OF WILL WORSHIP.

To this I answer by several propositions.

§ 7. 1) All favour is so wholly arbitrary, that whatsoever is an act of favour is also an effect of choice and perfectly voluntary. Since therefore that God accepts any thing from us is not at all depending upon the merit of the work, or the natural proportion of it to God, or that it can add any moments of felicity to Him, it must be so wholly depending upon the will of God that it must have its being and abiding only from thence. He that shall appoint with what God shall be worshipped, must appoint what that is by which He shall be pleased; which because it is unreasonable to suppose, it must follow that all the integral, constituent parts of religion, all the fundamentals and essentials of the divine worship cannot be warranted to us by nature, but are primarily communicated to us by revelation[e]. *Deum sic colere oportet quomodo ipse se colendum præcepit,* said S. Austin[f]. Who can tell what can please God, but God himself? for to be pleased, is to have something that is agreeable to our wills and our desires: now of God's will there can be no signification but God's word or declaration; and therefore by nothing can He be worshipped, but by what Himself hath declared that He is well pleased with: and therefore when He sent His eternal Son into the world, and He was to be the great mediator between God and man, the great instrument of reconciling us to God, the great angel that was to present all our prayers, the only beloved by whom all that we were to do would be accepted, God was pleased with voices from heaven and mighty demonstrations of the Spirit to tell all the world that by Him He would be reconciled, in Him He

[e] Non sit nobis religio in phantasmatibus nostris. Melius est enim qualecunque verum quam omne quicquid pro arbitrio cogi potest.—S. August. de vera relig., c. 55. [tom. i. col. 786 A.]

[f] [Socrates apud S. Aug.] lib. i. de consens. evang., cap. 18. [tom. iii. part. 2. col. 12 A.]

would be worshipped, through Him He would be invocated, for His sake He would accept us, under Him He would be obeyed, in His instances and commandments He would be loved and served; saying, "This is my beloved Son in whom I am well pleased."

§ 8. 2) Now it matters not by what means God does convey the notices of His pleasure; ποικίλως καὶ πολυτρόπως, 'in sundry ways and in sundry manners' God manifests His will unto the world. So we know it to be His will, it matters not whether by nature or by revelation, by intuitive and direct notices, or by argument or consequent deduction, by scripture or by tradition, we come to know what He requires and what is good in His eyes; only we must not do it of our own head. To worship God is an act of obedience and of duty, and therefore must suppose a commandment; and is not of our choice, save only that we must choose to obey. Of this God forewarned His people: He gave them a law, and commanded them to obey that entirely, without addition or diminution, neither more nor less than it, "Whatsoever I command you, observe to do it; thou shalt not add thereto nor diminish from it;" and again, "Ye shall not do after all the things that we do here this day, every man whatsoever is right in his own eyes[g];" that is, this is your law that is given by God; make no laws to yourselves or to one another, beyond the measures and limits of what I have given you: nothing but this is to be the measure of your obedience and of the divine pleasure. So that in the Old testament there is an express prohibition of any worship of their own choosing; all is unlawful, but what God hath chosen and declared.

§ 9. 3) In the New testament we are still under the same charge; and ἐθελοθρησκεία or 'will-worship' is a word of an ill sound amongst Christians most generally, meaning thereby the same thing which God forbad in Deuteronomy, viz., ἕκαστος τὸ ἀρεστὸν ἐνώπιον αὐτοῦ πράττει, as the LXX. expresses it, when every man does that (not which God commands or loves but) which men upon their own fancies and inventions think good, that "which seems good in their own eyes," or as our blessed Saviour[h] more fully, "teaching for doctrines the traditions, the injunctions or commandments of men:" the instance declares the meaning. The pharisees did use to wash their hands before meat, cleanse the outside of cups and dishes, they washed when they came from the judgment hall; and these they commanded men to do, saying that by such things God was worshipped and well pleased. So that these two together, and indeed each of them severally, is will-worship in the culpable sense. He that says an action which God hath not commanded is of itself necessary, and he that says God is rightly worshipped by an act or ceremony concerning which Himself hath no way expressed His pleasure, is superstitious, or a will-worshipper. The first sins against charity, the second against religion: the first sins directly against his neigh-

[g] [Deut. xii. 32, 8.] [h] [Matt. xv. 8, 9; Mark vii. 7.]

bour, the second against God: the first lays a snare for his neighbour's foot, the second cuts off a dog's neck[i] and presents it to God: the first is a violation of christian liberty, the other accuses Christ's law of imperfection. So that thus far we are certain, α) that nothing is necessary but what is commanded by God; β) nothing is pleasing to God in religion that is merely of human invention; γ) that the commandments of men cannot become doctrines of God, that is, no direct parts of the religion, no rule or measures of conscience.

§ 10. But because there are many actions which are not under command, by which God in all ages hath been served and delighted, and yet may as truly be called ἐθελοθρησκεία or will-worship as any thing else; and the name is general and indefinite, and may signify a new religion, or a free will-offering, an uncommanded general or an uncommanded particular, that is, in a good sense, or in a bad: we must make a more particular separation of one from the other, and not call every thing superstitious that is in any sense a will-worship, but only that which is really and distinctly forbidden, not that which can be signified by such a word which sometimes means that which is laudable, sometimes that which is culpable: therefore,

WHAT VOLUNTARY OR UNCOMMANDED ACTIONS ARE LAWFUL OR COMMENDABLE.

§ 11. 1) Those things which men do or teach to be done by a probable interpretation of what is doubtful or ambiguous, are not will-worship in the culpable sense. God said to the Jews that they should rest or keep a sabbath upon the seventh day. How far this rest was to be extended, was to be taught and impressed not by the law, but by the interpretation of it; and therefore when the doctors of the Jews had rationally and authoritatively determined how far a sabbath day's journey was to extend, they who strictly would observe that measure which God described not, but the doctors did interpret, all that while were not to be blamed, or put off with a *quis requisivit*, 'who hath required these things at your hands?' for they were all that while in the pursuance and in the understanding of a commandment. But when the Jew in Synesius[j] who was the pilot of a ship, let go the helm in the even of his sabbath, and did lie still till the next even, and refused to guide the ship though in danger of shipwreck, he was a superstitious fool, and did not expound but prevaricate the commandment. This is to be extended to all probable interpretations so far that if the determination happen to be on the side of error, yet the consequent action is not superstitious if the error itself be not criminal. Thus when the fathers of the primitive church did expound the sixth chapter of S. John's

[i] [Is. lxvi. 3.] [j] [Epist. iv. p. 164.]

gospel of sacramental manducation, though they erred in the exposition, yet they thought they served God in giving the holy communion to infants: and though that was not a worship which God had appointed, yet it was not superstition, because it was (or for ought we know was) an innocent interpretation of the doubtful words of a commandment. From good nothing but good can proceed, and from an innocent principle nothing but what is innocent in the effect. In fine, whatsoever is an interpretation of a commandment is but the way of understanding God's will, not an obtruding of our own; always provided the interpretation be probable, and that the gloss do not corrupt the text.

§ 12. 2) Whatsoever is an equal and reasonable definition or determination of what God hath left in our powers, is not an act of a culpable will-worship or superstition. Thus it is permitted to us to choose the office of a bishop, or to let it alone; to be a minister of the gospel, or not to be a minister. If a man shall suppose that by his own abilities, his inclination, the request of his friends, the desires of the people, and the approbation of the church, he is called by God to this ministry, that he should please God in so doing, and glorify His name, although he hath no command or law for so doing, but is still at his liberty, yet if he will determine himself to this service, he is not superstitious or a will-worshipper in this his voluntary and chosen service, because he determines by his power and the liberty that God gives him, to a service which in the general is pleasing to God; so that it is but voluntary in his person, the thing itself is of divine institution.

§ 13. 3) Whatsoever is done by prudent counsel about those things which belong to piety and charity, is not will-worship or superstition. Thus when there is a commandment to worship God with our body, if we bow the head, if we prostrate ourselves on the ground, or fall flat on our face, if we travel[k] up and down for the service of God, even to weariness and diminution of our strengths, if we give our bodies to be burned, though in these things there is no commandment, yet neither is there superstition, though we design them to the service of God; because that which we do voluntarily is but the appendage, or the circumstance, or the instance of that which is not voluntary but imposed by God.

§ 14. 4) Every instance that is uncommanded, if it be the act or exercise of what is commanded, is both of God's choosing and of man's; it is voluntary and it is imposed; this in the general, that in the particular. Upon this account, the voluntary institution of the Rechabites in drinking no wine and building no houses, but dwelling in tents, was pleasing to God; because although He nowhere required that instance at their hands, yet because it was an act or state of that obedience to their father Jonadab which was enjoined in the fifth commandment, God loved the thing, and rewarded the men. So

[k] ['travail,' A.]

David poured upon the ground the waters of Bethlehem, which were the price of the young men's lives; 'he poured them forth unto the Lord[l]:' and though it was an uncommanded instance, yet it was an excellent act, because it was a self-denial and an act of mortification. The ἐπίμετρα τοῦ νόμου, the abundant expressions of the duty contained in the law, though they be greater than the instances of the law, are but the zeal of God and of religion; the advantages of laws, and the enlargements of a loving and obedient heart. Charity is a duty, and a great part of our religion. He then that builds almshouses, or erects hospitals, or mends highways, or repairs bridges, or makes rivers navigable, or serves the poor, or dresses children, or makes meat for the poor, cannot (though he intends these for religion) be accused for will-worship; because the laws do not descend often to particulars, but leave them to the conduct of reason and choice, custom and necessity, the usages of society and the needs of the world. That we should be thankful to God is a precept of natural and essential religion; that we should serve God with portions of our time is so too: but that this day, or to-morrow, that one day in a week, or two, that we should keep the anniversary of a blessing, or the same day of the week, or the return of the month, is an act of our will and choice; it is the worship of the will, but yet of reason too and right religion. Thus the Jews kept the feast of *Purim*, the feast of the fourth, the fifth, the seventh, the tenth month, the feast of the dedication of the altar; and Christ observed what the Maccabees did institute: and as it was an act of piety and duty in the Jews to keep these feasts, so it was not a will-worship or superstition in the Maccabees to appoint it, because it was a pursuance of a general commandment by symbolical but uncommanded instances. Thus it is commanded to all men to pray: but when Abraham first instituted morning prayer[m], and Isaac appointed in his family the evening prayer[m], and Daniel prayed three times a day, and David seven times, and the church kept her canonical hours, nocturnal and diurnal offices, and some churches instituted an office of forty hours, and a continual course of prayer, and Solomon the perpetual ministry of the Levites, these all do and did respectively actions which were not named in the commandment; but yet they willingly and choosingly offered a willing but an acceptable sacrifice, because the instance was a daughter of the law, encouraged by the same reward, serving to the same end, warranted by the same reason, adorned with the same piety, eligible for the same usefulness, amiable for the same excellency, and though not commanded in the same tables, yet certainly pleasing to Him who as He gave us laws for our rule, so He gives us His Spirit for our guide, and our reason as His minister.

§ 15. 5) Whatsoever is aptly and truly instrumental to any act of virtue or grace, though it be nowhere signified in the law of God,

[l] [2 Sam. xxiii. 16; 1 Chron. xi. 18.]

[m] Vide Fabric. cod. pseudepigr. vet. text. capp. 119, 31. pp. 403, 33. ed. 8vo. Hamb. 1613.]

or in our religion, is not will-worship in the culpable sense. I remember to have read that S. Benedict was invited to break his fast in a vineyard: he intending to accept the invitation betook himself presently to prayer; adding these words, 'Cursed is he who first eats before he prays.' This religion also the Jews observed in their solemn days; and therefore wondered and were offended at the disciples of Christ because that early in the morning of the sabbath they eat the ears of corn. This and any other of the like nature may be superadded to the words of the law, but are no criminal will-worship, because they are within the verge and limits of it; they serve to the ministries of the chief house. Thus we do not find that David had received a commandment to build a temple; but yet the prophet Nathan[m] told him from God, that 'he did well because it was in his heart to build it.' It was therefore acceptable to God, because it ministered to that duty and religion in which God had signified His pleasure. Thus the Jews served God in building synagogues or places of prayer besides their temple; because they were to pray besides their solemn times, and therefore it was well if they had less solemn places. So Abraham pleased God in separating the tenth of his possessions for the service and honour of God; and Jacob pleased the Lord of heaven and earth by introducing the religion of vows; which indeed was no new religion, but two or three excellencies of virtue and religion dressed up with order and solemn advantages, and made to minister to the glorification of God. Thus fasting serves religion, and to appoint fasting days is an act of religion and of the worship of God, not directly, but by way of instrument and ministry. To double our care, to intend our zeal, to enlarge our expense in the adorning and beautifying of churches is also an act of religion or of the worship of God; because it does naturally signify or express one virtue, and does prudently minister to another; it serves religion, and signifies my love.

§ 16. 6) To abstain from the use of privileges and liberties, though it be nowhere commanded, yet it is always in itself lawful, and may be an act of virtue or religion if it be designed to the purposes of religion or charity. Thus S. Paul[n] said 'he would never eat flesh while he did live rather than cause his brother to offend:' and he did this with a purpose to serve God in so doing; and yet it was lawful to have eaten, and he was nowhere directly commanded to have abstained; and though in some cases it became a duty, yet when he extended it or was ready to have extended it to uncommanded instances or degrees, he went not back in his religion by going forwards in his will. Thus not to be too free in using or requiring dispensations, is a good handmaid to piety or charity, and is let into the kingdom of heaven by being of the family and retinue of the king's daughters, the glorious graces of the spirit of

[m] [1 Kings viii. 18.] [n] [1 Cor. viii. 13.]

God. Thus also to deny to ourselves the use of things lawful in meat and drink and pleasure, with a design of being exemplar to others and drawing them to sober counsels, the doing more than we are commanded that we be not tempted at any time to do less, the standing a great way off from sin, the changing our course and circumstances of life that we may not lose or lessen our state of the divine grace and favour, these are by adoption and the right of cognation accepted as pursuances of our duty and obedience to the divine commandment.

§ 17. 7) Whatsoever is proportionable to the reason of any commandment and is a moral representation of any duty, the observation of that cannot of itself be superstitious. For this we have a competent warranty from those words of God by the prophet Nathan to David[o], "Thou shalt not build a house to the honour of My name, because thou art a man of blood." In prosecution of this word of God, and of the reasonableness of it, it is very warrantable that the church of God forbids bishops and priests to give sentence in a cause of blood; because in one case God did declare it unfit that he who was a man of blood should be employed in the building of a house to God. Upon this account all undecencies, all unfitting usages and disproportionate states or accidents are thrust out of religion. A priest may not be a fiddler, a bishop must not be a shoemaker, a judge must religiously abstain from such things as disgrace his authority, or make his person and his ministry contemptible; and such observances are very far from being superstitious, though they be under no express commandment.

§ 18. 8) All voluntary services, when they are observed in the sense and to the purposes of perfection, are so far from being displeasing to God, that the more uncommanded instances and degrees of external duty and signification we use, the more we please God[p]. Οἱ πνευματικοὶ πάντα πράττουσιν ἐπιθυμίᾳ καὶ πόθῳ, καὶ τοῦτο δηλοῦσι τῷ καὶ ὑπερβαίνειν τὰ ἐπιτάγματα, 'spiritual men do their actions with much passion and holy zeal, and give testimony of it by expressing it in the uncommanded instances.' And Socrates[q] speaking of certain church offices and rituals of religion, says, Ἐπειδὴ οὐδεὶς περὶ τούτου ἔγγραφον ἔχει δεῖξαι παράγγελμα, δῆλον ὡς καὶ περὶ τούτου τῇ ἑκάστου γνώμῃ καὶ προαιρέσει ἐπέτρεψαν οἱ ἀπόστολοι, ἵνα ἕκαστος μὴ φόβῳ μηδὲ ἐξ ἀνάγκης τὸ ἀγαθὸν κατεργάζοιτο· 'since no man hath concerning this thing any written commandment, it is clear that the apostles permitted it to the choice of every one, that every one may do good not by necessity and fear,' but by love and choice. Such were the free-will offerings among the Jews, which always might expect a special reward, ἃ γὰρ ὑπὲρ τὴν ἐντολὴν γίνεται πολὺν ἔχει μισθὸν κατὰ τοῦτο, ἃ δὲ ἐν ἐντολῆς τάξει

[o] [2 Sam. 7. 5; 1 Chron. xxii. 8, xxviii. 3.]

[p] S. Chrysost. in Rom. viii. [hom. 14. tom. ix. p. 578 C.]

[q] [lib. v. cap. 22. p. 295.]

οὐ τοιοῦτον· 'those things which are in the tables of the commandment shall be rewarded, but those which are more than these shall have a greater:' the reason is, because they proceed from a greater intension of the inward grace; and although the measures of the commandment were therefore less because they were to fit all capacities, yet they who go further shew that they are nearer to the perfections of grace than the first and lowest measures of the commandment, and therefore are disposed to receive a reward greater than they shall have who are the least in the kingdom of heaven. But of this I have already given accounts in the foregoing rule, and otherwhere[r].

§ 19. 9) The circumstance of a religious action may be undertaken or imposed civilly without being superstitious. As to worship God is a duty which can never be a superstitious will-worship, so to worship God by bowing the head or knee towards the east or west is a circumstance of this religious worship; and of this there may be laws made, and the circumstance be determined, and the whole action so clothed and vested, that even the very circumstance is in some sense religious, but in no sense superstitious; for some way or other it must be done, and every man's act is determined when it is vested with circumstances, and if a private will may determine it, so may a public law, and that without fault: but of this in the sequel.

10) The sum is this: though the instance, the act or state be uncommanded, yet it is not a culpable will-worship, if either it be a probable interpretation of a divine commandment, or the use of what is permitted, or the circumstance or appendage to a virtue, or the particular specification of a general law; or is in order to a grace instrumental and ministering to it, or be the defalcation or the not using of our own rights, or be a thing that is good in the nature of the thing, and a more perfect prosecution of a law or grace, that is, if it be a part or a relative of a law: if a law be the foundation, whatsoever is built upon it grows up towards heaven, and shall have no part in the evil rewards of superstition.

But that what of itself is innocent or laudable may not be spoiled by evil appendages, it is necessary that we observe the following cautions.

§ 20. 1) Whatsoever any man does in an uncommanded instance, it must be done with liberty and freedom of conscience; that is, it must not be pressed to other men as a law which to ourselves is only an act of love, or an instrument of a virtue, or the appendage and relative of a grace. It must, I say, be done with liberty of conscience, that is, without imposing it as of itself necessary, or a part of the service of God: and so it was anciently in the matter of worship towards the east; for though generally the Christians did worship toward the east, yet in Antioch they worshipped toward the

[r] 'Doctrine and pract. of Repentance,' cap. i. [vol. vii. p. 36 sqq.]

west[s]. But when they begin to have opinions concerning the circumstance, and think that abstracting from the order or the accidental advantage, there is some religion in the thing itself, then it passes from what it ought to what it ought not, and by degrees proves folly and dreams. For then it comes to be a doctrine and injunction of men, when that is taught to be necessary which God hath left at liberty, and taken from it all proper necessity; it then changes into superstition and injustice; for it is an invading the rights of God and the rights of man; it gives a law to him that is as free as ourselves, and usurps a power of making laws of conscience, which is only God's subject and God's peculiar. Dogmatizing and censoriousness makes a will-worship to be indeed superstition.

In prosecution of this it is to be added, it is as great a sin to teach for doctrines the prohibitions of men as the injunctions and commandments; to say that we may not do what is lawful, as that it is necessary to do that which is only permitted, or is commended. He that imposes on men's conscience an affirmative or a negative that God hath not imposed, is equally injurious, and equally superstitious; and we can no more serve or please God in abstaining from what is innocent than we can by doing what He hath not commanded. He that thinks that he serves God by looking to the east when he prays, and believes all men and at all times to be obliged to do so, is a superstitious man: but he who believes this to be superstition, and therefore turns from the east, and believes it also to be necessary that he do not look that way, is equally guilty of the same folly; and is like a traveller that so long goes from the east, that he comes to it by his long progression in the circle. If by the law of God it be not sinful, or if by the law of God it be not necessary, no doctrines of men can make it so; to call good evil, or evil good, is equally hateful to God: and as every man is bound to preserve his liberty, that a yoke be not imposed upon his conscience, and he be tied to do what God hath left free, so he is obliged to take care that he be not hindered, but still that he may do it if he will. That this no way relates to human laws I shall afterwards discourse: I now only speak of imposition upon men's understandings, not upon their wills or outward act. He that says that without a surplice we cannot pray to God acceptably, and he that says we cannot well pray with it, are both to blame; but if a positive law of our superior intervenes, that's another consideration: for *Quædam quæ licent, tempore et loco mutato non licent,* said Seneca; and so on the contrary, that may be lawful or unlawful, necessary or unnecessary, accidentally, which is not so in its own nature and the intentions of God.

§ 21. 2) Whatsoever pretends to lawfulness or praise by being an instrument of a virtue and the minister of a law, must be an apt in-

[s] Socrat., lib. v. cap. 22. [p. 297.]

strument, naturally, rationally, prudently, or by institution such as may do what is pretended. Thus although in order to prayer I may very well fast, to alleviate the body and make the spirit more active and untroubled; yet against a day of prayer I will not throw all the goods out of my house, that my dining-room may look more like a chapel, or the sight of worldly goods may not be in my eye at the instant of my devotion: because as this is an uncommanded instance, so it is a foolish and an unreasonable instrument. The instrument must be such as is commonly used by wise and good men in the like cases, or something that hath a natural proportion and efficacy to the effect.

§ 22. 3) Whatsoever pretends to be a service of God in an uncommanded instance, by being the specification of a general command, or the instance of a grace, must be naturally and univocally such, not equivocally and by pretension only: of which the best sign is this, if it be against any one commandment directly or by consequent, it cannot acceptably pursue or be the instance of any other. Thus when the Gnostics abused their disciples by a pretence of humility, telling them that they ought by the mediation of angels to present their prayers to God the Father, and not by the Son of God, it being too great a presumption to use His name and an immediate address to Him, (as S. Chrysostom, Theophylact, and Œcumenius report of them;) this was a culpable will-worship, because the relation it pretended to humility was equivocal and spurious; it was expressly against an article of faith and a divine commandment[t]. So did the Pythagoreans in their pretensions to mortification; they commanded to abstain from marriages, from flesh, from fish, as unclean, and ministries of sin and productions of the devil. Both these the apostle reproves in his epistle to the Colossians; and therefore condemns all things of the same unreasonableness.

§ 23. 4) All uncommanded instances of piety must be represented by their own proper qualities, effect, and worthiness; that is, if all their worth be relative, they must not be taught as things of an absolute excellency, or if it be a matter of abstinence from any thing that is permitted, and that abstinence be by reason of danger or temptation, error or scandal, it must not be pressed as abstinence from a thing that is simply unlawful, or the duty simply necessary. Thus the Encratites and Manichees were superstitious persons, besides their heresy; because although they might lawfully have abstained from all ordinary use of wine, in order to temperance and severe sobriety, yet when they began to say that such abstinence was necessary, and all wine was an abomination, they passed into a direct superstition, and a criminal will-worship. While the Novatians denied to reconcile some sort of lapsed criminals, they did it for discipline and for the interests of a holy life; they did no more than divers parts of the church of God did; but when that discipline

[t] [John xvi. 23.]

which once was useful became now to be intolerable, and that which was only matter of government became also matter of doctrine, then they did that which our blessed Saviour reproved in the pharisees, 'they taught for doctrines the injunctions of men[u],' and made their will-worship to be superstition.

§ 24. 5) When any uncommanded instance relative to a commandment is to be performed, it ought to be done temperately and according to its own proportion and usefulness: for if a greater zeal invites us to the action, we must not give the reins and liberty to that zeal, and suffer it to pass on as far as it naturally can, but as far as piously and prudently it ought. He that gives alms to the poor, may upon the stock of the same virtue spare all vain or less necessary expense, and be a good husband to the poor, and highly please God with these uncommanded instances of duty: but then he must not prosecute them beyond the reason of his own affairs, to the ruin of his relations, to the danger of temptation. To pray is good; to keep the continual sacrifice of morning and evening devotions is an excellent specification of the duty of 'pray continually:' now he that prays more frequently does still better, but there is a period beyond which the multiplication and intension of the duty is not to extend. For although to pray nine times is more than is described in any diurnal or nocturnal office; yet if a man shall pray nine and twenty times, and prosecute the excess to all degrees which he naturally can, and morally cannot, that is, ought not, his will-worship degenerates into superstition; because it goes beyond the natural and rational measures, which though they may be enlarged by the passions of religion, yet must not pass beyond the periods of reason, and usurp the places of other duties civil and religious.

§ 25. If these measures be observed, the voluntary and uncommanded actions of religion, either by their cognation to the laws, or adoption into obedience, become acceptable to God; and by being a voluntary worship, or an act of religion proceeding from the will of man, that is, from his love and from his desires to please God, are highly rewardable: Εἰ γὰρ ἑκὼν τοῦτο πράσσω, μισθὸν ἔχω, said S. Paul[v]; 'If I do this thing with a voluntary act or free choice, then I have a reward.' And that no man may be affrighted with those words of God to the Jews[x], "Who hath required these things at your hands?" as if every thing were to be condemned concerning which God could say *Quis requisivit?* meaning, that He never had given a commandment to have it done; it is considerable, that God speaks not of voluntary, but of commanded services; He instances in such things which Himself had required at their hands, 'their sacrifices of bulls and goats,' 'their new moons and solemn assemblies[y],' 'their sabbaths and oblations:' but because they were not done with that piety and

[u] [Matt. xv. 9; Mark vii. 7.]
[v] [1 Cor. ix. 17.]
[x] [Isa. i. 12.]
[y] [vers. 11, 13.]

holiness as God intended, God takes no delight in the outward services: so that this condemns the unholy keeping of a law, that is, observing the body, not the spirit of religion; but at no hand does God reject voluntary significations of a commanded duty, which proceed from a well-instructed and more loving spirit, as appears in the case of vows and free-will-offerings in the law; which although they were will-worshippings, or voluntary services, and therefore the matter of them was not commanded, yet the religion was approved. And if it be objected that these were not will-worshippings because they were recommended by God in general, I reply, though they were recommended, yet they were left to the liberty and choice of our will, and if that recommendation of them be sufficient to sanctify such voluntary religion, then we are safe in this whole question; for so did our blessed Saviour in the gospel, as His Father did in the law, *Qui potest capere capiat*[z]; and "He that hath ears to hear, let him hear;" and so saith S. Paul[a], "He that standeth fast in his heart," that is, hath perfectly resolved and is of a constant temper, "having no necessity, but hath power over his own will, and hath judged in his heart that he will keep his virgin, doth well." But the ground of all is this; all voluntary acts of worship or religion are therefore acceptable *quia fundamentum habent in lege divina*; 'God's law is the ground of them,' that's the canon, and these will-worshippings are but the descant upon the plain song: some way or other they have their authority and ground from the law of God; for

§ 26. Whatsoever hath its whole foundation in a persuasion that is merely human, and no ways relies upon the law or the expressed will of God, that is will-worship in the criminal sense, that is, it is superstition. So the vulgar Latin and Erasmus render the word ἐθελοθρησκεία, or will-worship; and they both signify the same thing, when will-worship is so defined: but if it be defined by 'a religious passion or excess in uncommanded instances relating to or being founded in the law and will of God,' then will-worship signifies nothing but what is good, and what is better; it is a free-will-offering, ἀκριβεστάτη αἵρεσις τῆς θρησκείας· like the institution under which S. Paul was educated, 'the strictest and exactest sect of the religion[b],' and they that live accordingly are ἐκουσιαζόμενοι τῷ νόμῳ, 'the voluntary and most willing subjects of the law.' So that although concerning some instances it can be said, τὸ μέν ἐστιν ἐπίταγμα, 'this is directly a commandment;' and concerning others, τὸ δὲ τῆς ἐμῆς προαιρέσεως κατόρθωμα, 'this is a virtuous or a right action of my choice;' yet these are no otherwise opposed than as *in* and *super*, for the one are ἐν τῇ ἐντολῇς τάξει, 'in the order and constitution of the commandment,' the other ὑπὲρ τὴν ἐντολήν (as S. Chrysostom expresses it) are 'above the commandment;' yet all are in the same form or category: it is within the same limits and of the same nature, and to the same ends, and by the same rule, and of

[z] [Matt. xix. 12.] [a] [1 Cor. vii. 37.] [b] [Acts xxvi. 5.]

the same holiness, and by a greater love; that's all the difference: and thus it was from the beginning of the world, in all institutions and in all religions which God ever loved.

§ 27. I only instance in the first ages and generations of mankind, because in them there is pretended some difficulty to the question. Abel offered sacrifice to God, and so did Cain; and in the days of Enoch men began to call upon the name of the Lord[c]: and a priesthood was instituted in every family, and the *major-domo* was the priest, and God was worshipped by consumptive oblations: and to this they were prompted by natural reason, and for it there was no command of God. So S. Chrysostom[d], Οὐ γὰρ παρά τινος μαθὼν, οὐδὲ νόμου περὶ ἀπαρχῶν διαλεγομένου τοτὲ ἀκούσας, ἀλλ' οἴκοθεν καὶ παρὰ τοῦ συνειδότος διδαχθεὶς, τὴν θυσίαν ἐκείνην ἀνήνεγκε· 'Abel was not taught of any one, neither had he received a law concerning the oblation of first-fruits, but of himself and moved by his conscience he offered that sacrifice:' and the author of the answers *ad orthodoxos* in the works of Justin Martyr[e] affirms Οὐδεὶς τῶν θυσάντων τὰ ἄλογα θυσίαν τῷ θεῷ πρὸ τοῦ νόμου κατὰ τὴν θείαν διάταξιν ἔθυσε, κἂν φαίνεται ὁ θεὸς ταύτην προσδεξάμενος τῇ ταύτης ἀποδοχῇ δεικνύων τὸν θύσαντα εὐάρεστον αὐτῷ, 'they who offered to God before the law the sacrifice of beasts did not do it by a divine commandment, though God by accepting it gave testimony that the person who offered it was pleasing to Him.' What these instances do effect or persuade we shall see in the sequel; in the mean time I observe that they are by men of differing persuasions used to contrary purposes. Some there are that suppose it to be in the power of men to appoint new instances and manners of religion, and to invent distinct matters and forms of divine worship; and they suppose that by these instances they are warranted to say that we may in religion do whatsoever by natural reason we are prompted to; for Abel, and Cain, and Enoch, did their services upon no other account. Others that suspect every thing to be superstitious that is uncommanded, and believe all sorts of will-worship to be criminal, say that if Abel did this wholly by his

[c] Multi commentariorum et controversiarum scriptores ex his verbis eliciunt, homines illius sæculi novos ritus, novas cæremonias et religionis formas instituisse; quia scil. certum est, ab exordio humani generis homines Deum coluisse, atque adeo invocasse nomen Domini. Hoc ergo quod quasi de novo factum recensetur, est institutio novorum rituum, quibus quasi de proprio Deum colere voluerunt. At notandum est in horum verborum sensu nihil esse certum quod ad hanc rem possit pertinere. Nam passim in Hebræorum commentariis sæculum Enoch tanquam impium memoratur: et Hebræi exponere solebant hunc locum quasi sensus esset, tunc cum Enoch natus esset homines profanasse nomen Domini invocando nomen ejus super creaturas, sic enim verbum חוּלַל, (derivatum scil. a voce Colin, i. e. profana) profanasse interpretati sunt: homines scil. tunc cœpisse appellare filios hominum, et animalia, et herbas nomine Dei sancti benedicti. Abenezra autem et Abrabaneel simpliciorem horum verborum sensum retinuerunt: cœperunt scil. commemorare creatorem suum, et ad nomen ejus opera et orationes dirigere.

[d] Hom. xii. de statuis. [tom. ii. p. 129 A.]

[e] Quæst. lxxxiii. [p. 473 B.]

the natural law, by which men are inclined first, and
mined to that which is agreeable to reason. But th
true, lest we should be constrained to affirm that God
government of the world to an uncertain and imperfe
nothing so differs as the reasonings of men, and a
according to his reason, and yet do very ill. *Sicut om
opus est citharam pulsare, periti vero ac probe docti r
sic hominis cujuscunque est agere cum ratione, probi
est recte cum ratione operari;* so Aristotle[f]: 'it is
every musician to play upon his instrument; but
requires art and skill: so every man does according
but to do righteous things, and according to right
suppose a wise and a good man.' The consequent of
reason is not the natural law, but reason when it is ri
well ordered, truly instructed, perfectly commanded; t
that binds us to operate according to right reason, an
us we should not decline from it. He that does acco
natural law, or the law of God, does not, cannot do
when reason alone is his warrant and his guide, he sha
find out what is pleasing to God. And it will be to
to say that not every man's reason, but right reason
law. For every man thinks his own reason right, and v
differ in the assignation and opinions of right reason; a
be judge of all but God? and He that is the judge mus
lawgiver, else it will be a sad story for us to come und
ment, by whose laws and measures we were not wh
If God had commanded the priest's pectoral to be set
and had given no instrument of discerning His mean
eyes, a red crystal or stained glass would have passe

ath declared and made a law. Now all the law of God we call natural is reason, that is, so agreeable to natural and ite reason, that the law is in the matter of it written in our before it is made to be a law[g]. *Lex est naturæ vis, . . ratio tis, juris atque injuriæ regula,* so Cicero, *lib.* i. *de leg.*[h] But ı all the law of nature be reason, yet whatsoever is reason is esently a law of nature. And therefore that I may return to stances we are discoursing of, it follows not that although ınd Cain, and Enoch, did do some actions of religion by the of natural reason, that therefore they did it by the law of : for every good act that any man can do is agreeable to eason, but every act we do is not by a law, as appears in all tances I have given in the explication and commentaries on two last rules. Secondly, on the other side it is not true e may do it in religion whatsoever we are prompted to by l reason. For although natural reason teaches us that God e loved, and God is to be worshipped; that is, it tells us He supreme, we His creatures and His servants; we had our from Him, and we still depend upon Him, and He is the f all who is the beginning of all, and therefore whatsoever rom Him must also tend to Him; and whosoever made every must needs make every thing for Himself, for He being the in of perfection, nothing could be good but what is from, and ıd by, and to that fountain, and therefore that every thing in its way honour, and serve, and glorify Him; now I say, gh all this is taught us by natural reason, by this reason e taught that God must be worshipped, yet that cannot ı how God will be worshipped. Natural reason can tell us is our obligation, because it can discourse of our nature ıroduction, our relation and minority; but natural reason ; tell us by what instances God will be pleased with us, or led with to do us new benefits; because no natural reason

t Dei mentem nostram incendens, se pertrahit, conscientiamque nos- illicat quæ et ipsa mentis nostræ ur.—Damascen. lib. iv. cap. 22. de ıodoxa. [tom. i. p. 292. C.] Ubi væus sic exponit, Lex mentis nos- ipsa naturalis ratio Dei legem ha- ı inditam, impressamque et insi- ıa bonum a malo interno lumine mus. S. Hieronymus epist. cli. ıi. q. 8. [tom. iv. part. 1. col. 200, : legem appellat legem intelligen- m ignorat pueritia, nescit infantia, tem venit et præcipit, quando in- elligentia. B. Maximus, [de vir- vitio,] centur. v. c. 13. [max. t. patr., tom. xii. p. 472 E.] Lex est ratio naturalis, quæ captivum tenet sensum ad delendam vim irrationalem. Hoc dixit imperfecte, quia ratio naturalis tantum est materia legis naturalis. Rectius autem S. Augustinus, l. ii. de sermone Domini in monte, [vide cap. v. tom. iii. part. 2. col. 201.] nullam animam esse quæ ratiocinari possit, in cujus conscientia non loquatur Deus: quis enim legem naturalem in cordibus hominum scribit nisi Deus? hoc scil. innuens non rationem solam, sed Deum loquentem ex principiis nostræ rationis sanxisse legem. Idem dixit explicatius, l. xxii. contr. Faustum, c. 27. [tom. viii. col. 378. F.] legem æternam esse divinam rationem vel voluntatem ordinem naturalem conservari jubentem, perturbari vetantem.

h [cap. 6. § 19.]

can inform us of the will of God, till Himself hath declared will. Natural reason tells us we are to obey God; but n reason cannot tell us in what positive commandments God w obeyed, till He declares what He will command us to do observe. So though by nature we are taught that we must ship God; yet by what significations of duty, and by what actic religion this is to be done, depends upon such a cause as no but itself can manifest and publish.

§ 29. And this is apparent in the religion of the old work religion of sacrifices and consumptive oblations; which it is c themselves did not choose by natural reason, but they were t and enjoined by God: for that it is no part of a natural religi kill beasts, and offer to God wine and fat, is evident by the natu the things themselves, the cause of their institution, and the n of fact, that is the evidence that they came in by positive co tution. For blood was anciently the sanction of laws and coven *Sanctio a sanguine* say the grammarians[1]; because the sanctio establishment of laws was it which bound the life of man to the and therefore when the law was broken, the life or the blood was feited: but then as in covenants, in which sometimes the w people did drink blood, the gentler and more civil did drink t the blood of the grape; so in the forfeiture of laws they also gav blood of beasts in exchange for their own. Now that this was than what was due is certain, and therefore it must suppose re sion and grace, a favourable and a gracious acceptation; which cause it is voluntary and arbitrary in God, less than His due, more than our merit, no natural reason can teach us to appease with sacrifices. It is indeed agreeable to reason that blood sh be poured forth, when the life is to be paid, because the blood is life; but that one life should redeem another, that the blood beast should be taken in exchange for the life of a man, that reason naturally can teach us. *Ego vero destinavi eum vobi altari ad expiationem faciendam pro animis vestris; nam sangui qui pro anima expiationem facit*, said God by Moses[j]: 'the lif the flesh is in the blood; and I have given it to you upon the a to make an atonement for your souls, for it is the blood that mal an atonement for the soul:' according to which are those word S. Paul[k], "without shedding of blood there is no remission;" m ing that in the law all expiation of sins was by sacrifices, to w Christ by the sacrifice of Himself put a period. But all this reli of sacrifices, was (I say) by God's appointment; *Ego vero destin* so said God, 'I have designed' or decreed it: but that this wa part of a law of nature, or of prime essential reason appears in a) Because God confined it among the Jews to the family of Aa and that only in the land of their own inheritance, the land of

[1] [Servius in Æneid. xii. 200.] [j] [Levit. xvii. 11.] [k] [Heb. ix. 22

mise; which could no more be done in a natural religion than the sun can be confined to a village chapel. β) Because God did express oftentimes that He took no delight in sacrifices of beasts; as appears in Psal. xl. and Psal. l. and Psal. li. Isai. i. Jerem. vii. Hosea vi. Micah vi. γ) Because He tells us in opposition to sacrifices and external rites, what that is which is the natural and essential religion in which He does delight; the 'sacrifice of prayer and thanksgiving,' 'a broken and a contrite heart;' that we should 'walk in the way He hath appointed;' that we should 'do justice and judgment, and walk humbly with our God:' He desires 'mercy and not sacrifice, and the knowledge of God more than burnt-offerings.' δ) Because Gabriel the archangel foretold that the Messias should make the daily sacrifice to cease[l]. ε) Because for above sixteen hundred years God hath suffered that nation to whom He gave the law of sacrifices to be without temple, or priest, or altar, and therefore without sacrifice.

§ 30. But then if we enquire why God gave the law of sacrifices, and was so long pleased with it, the reasons are evident and confessed. α) Sacrifices were types of that great oblation which was made upon the altar of the cross. β) It was an expiation which was next in kind to the real forfeiture of our own lives: it was blood for blood, a life for a life, a less for a greater; it was that which might make us confess God's severity against sin, though not feel it; it was enough to make us hate the sin, but not to sink under it; it was sufficient for a fine, but so as to preserve the stake[m]; it was a manuduction to the great sacrifice, but suppletory of the great loss and forfeiture; it was enough to glorify God, and by it to save ourselves; it was insufficient in itself, but accepted in the great sacrifice; it was enough in shadow, when the substance was so certainly to succeed. γ) It was given the Jews ὅπως πιεζόμενοι, καὶ ὑπὸ τοῦ κλοιοῦ ἀγχόμενοι, τῆς πολυθέου πλάνης ἐκστῶσιν, as the author of the apostolical constitutions[n] affirms, 'that being loaden with the expense of sacrifices to one God, they might not be greedy upon the same terms to run after many:' and therefore the same author affirms, 'before their golden calf and other idolatries, sacrifices were not commanded to the Jews, but persuaded only;' recommended, and left unto their liberty. By which we are at last brought to this truth, that it was taught by God to Adam, and by him taught to his posterity, that they should in their several manners worship God by giving to Him something of all that He had given us, and therefore something of our time, and something of our goods: and as that was to be spent in praises and celebration of His name, so these were to be given in consumptive offerings; but the manner and the measure was left to choice, and taught by superadded reasons and positive laws: and in this sense are those words to be understood which above I cited out

[l] [Dan. ix. 27.]

[m] [Compare vol. vii. p. 139.]

[n] [lib. vi. cap. 20. [p. 353.]

of Justin Martyr and S. Chrysostom[o]. To this purpose the gloss upon the second of the Colossians, saying, *legis justos per interiorem instinctum instructos fuisse a Deum, quos alii sequebantur; postmodum vero exterior circa hoc homines fuisse instructos, quæ præterire pestife* fore the law the righteous had a certain instinct by wh taught how to worship God, to wit in the actions of int but afterwards they were instructed by outward prec the natural religion consisting in prayers and praises, our understandings and subjecting our wills, in these th patriarchs were instructed by right reason and the natur to God: but as for all external religions, in these thin teacher and a guide; of these things they were to do no own heads. In whatsoever is from within there can be ship, for all that the soul can do is God's right; and n or hope in God, no charity, no degree of charity, or desire to please Him can be superstitious. But becau actions there may be undecent expressions or unapt instances not relative to a law of God or a counsel eva may be irregularity and obliquity, or direct excess, or i pressions: therefore they needed masters and teachers, b teacher was God. *Deum docuisse Adam cultum divi benevolentiam recuperaret quam per peccatum transgr serat, ipsumque docuisse filios suos dare Deo decimas* said Hugo de S. Victore: 'God taught Adam how to and by what means to recover His favour, from which gression fell' (the same also is affirmed by S. Athanasius which he adds, that 'Adam taught his children to give f tenths,' I know not upon what authority he affirms it. phus[q] seems to say something against it: 'Ο *θεὸς δὲ* ἥδεται *τῇ θυσίᾳ τοῖς αὐτομάτοις καὶ κατὰ φύσιν γεγόνοσ ἀλλ' οὐ τοῖς κατ' ἐπίνοιαν ἀνθρώπου πλεονέκτου κατὰ βι* 'God is not pleased so much in oblation of such thin greediness and violence of man forces from the earth, corn and fruits; but is more pleased with that which c naturally and easily, such as are cattle and sheep.' A he supposes God rejected Cain and accepted Abel, brought fruits which were procured by labour and tilla offered sheep, which came by the easy methods and pl tries of nature. It is certain Josephus said not true, warrant for his affirmative: but that which his discourse intimate is very right, that the things of man's inventi God; but that which comes from Him we must give H serve Him by what He hath given us, and our religio

[o] [§ 27. p. 591.]

[p] In epist. de perfidia Eusebii. [al. de conc. Nic., tom. i. p. 212 A.] et libro super illud, 'Omnia mi [tom. i. p. 104.]

[q] Antiq. Jud., lib. i. c.

such things as come to us from God: it must be obedience or compliance; it must be something of mere love, or something of love mingled with obedience: it is certain it was so in the instance of Abel.

§ 31. And this appears in those words of S. Paul[q], 'by faith Abel offered sacrifice:' it was not therefore done by choice of his own head, but by the obedience of faith, which supposes revelation and the command or declaration of the will of God. And concerning this, in the traditions and writings of the easterlings we find this story[r].—In the beginning of mankind, when Eve for the peopling of the world was by God so blessed in the production of children that she always had twins before the birth of Seth, and the twins were ever male and female, that they might interchangeably marry, *ne gens sit unius ætatis populus virorum*, lest mankind should expire in one generation; Adam being taught by God did not allow the twins to marry, *οὓς ἡ μὲν φύσις ἅμα τῇ γενέσει διήρτησε καὶ διέζευξε*[s], 'whom nature herself by their divided birth had separated and divided:' but appointed that Cain should marry the twin-sister of Abel, and Abel should marry Azron the twin-sister of Cain. But Cain thought his own twin-sister the more beautiful, and resolved to marry her: Adam therefore wished them to enquire of God by sacrifice, which they did: and because Cain's sacrifice was rejected, and his hopes made void, and his desire not consented to, he killed his brother Abel; whose twin-sister afterwards fell to the portion of Seth, who had none of his own. Upon this occasion sacrifices were first offered. Now whether God taught the religion of it first to Adam, or immediately to Cain and Abel, yet it is certain from the apostle (upon whom we may rely, though upon the tradition of the easterlings we may not) that Abel did his religion from the principle of faith, and therefore that manner of worshipping God did not consist only in manners, but in supernatural mystery; that is, all external forms of worshipping are no parts of moral duty, but depend upon divine institution and divine acceptance: and although any external rite that is founded upon a natural rule of virtue may be accepted into religion, when that virtue is a law; yet nothing must be presented to God but what Himself hath chosen some way or other. *Superstitio est quando traditioni humanæ religionis nomen applicatur*, said the gloss *in Coloss.* ii. 'when any tradition or invention of man is called religion, the proper name of it is superstition;' that is when any thing is brought into religion and is itself made to be a worship of God, it is a will-worship in the criminal sense. *Hanc video sapientissimorum fuisse sententiam, legem neque hominum ingeniis excogitatam, neque scitum aliquod esse populorum, sed æternum quiddam, quod universum mundum regeret, impe-*

[q] [Heb. xi. 4.]

[r] [Saidus Batricides apud Selden. de jur. nat. et gent., lib. iii. cap. 2, et v. cap. 8.]

[s] [Philo, de leg. special., tom. ii. p. 303. ed. Mangey.]

randi prohibendique sapientia: ita principem legem illa mentem esse dicebant omnia ratione aut cogentis aut veta Cicero[t]: 'neither the wit of man nor the consent of th competent warranty for any prime law; for law is an e fit to govern the world, it is the wisdom of God commar bidding.' Reason indeed is the aptness, the disposition, and matter of the eternal law; but the life and form of i mand of God. "Every plant which My heavenly Fat planted shall be rooted up[u]." Some plants arise fro from slips and suckers, some are grafted, and some ino all these will grow, and bring forth pleasing fruit; bu wild, that is, of its own accord, the fruit is fit for noth tree is fit for burning.

RULE XIV.

THE CHRISTIAN LAW BOTH OF FAITH AND MANNERS IS FULLY THE HOLY SCRIPTURES; AND FROM THENCE ONLY CAN THE CON DIVINE WARRANT AND AUTHORITY.

§ 1. Of the perfection and fulness of the christian already given accounts; but where this law is recorded, holy scriptures are the perfect and only digest of it, is th the present rule, which is of great use in the rule of cons cause if we know not where our rule is to be found, and be several tables of the law pretended, our obedience chance or our own choice, that is, it cannot be obedi must be voluntary in the submission, and therefore canno and it must be determined by the superior, and therefor our own antecedent choice, but what is chosen for us.

§ 2. That the holy scriptures of the Old and New te contain the whole will and law of God is affirmed by t fathers, and by all the reformed churches; that the script a perfect rule of faith and manners, but that tradition is

theless take the holy scriptures for their only rule of faith and manners. 2) Next, I shall shew what use there was of traditions. 3) That the topic of traditions, after the consignation of the canon of scripture, was not only of little use in any thing, but false in many things, and therefore unsafe in all questions; and as the world grew older, traditions grew more uncertain, and the argument from tradition was intolerably worse.

§ 3. 1) That the first ages of the church did appeal to scripture in all their questions, I appeal to these testimonies. S. Clemens of Alexandria[x] hath these excellent words, *Οὐ γὰρ ἁπλῶς ἀποφαινομένοις ἀνθρώποις προσέχοιμεν, οἷς καὶ ἀνταποφαίνεσθαι ἐπ' ἴσης ἔξεστιν· εἰ δ' οὐκ ἀρκεῖ μόνον ἁπλῶς εἰπεῖν τὸ δόξαν, ἀλλὰ πιστώσασθαι δεῖ τὸ λεχθὲν, οὐ τὴν ἐξ ἀνθρώπων ἀναμένομεν μαρτυρίαν, ἀλλὰ τῇ τοῦ Κυρίου φωνῇ πιστούμεθα τὸ ζητούμενον, ἡ πασῶν ἀποδείξεων ἐχεγγυωτέρα, μᾶλλον δὲ ἡ μόνη ἀπόδειξις οὖσα τυγχάνει·* 'it is not fit that we should simply attend to the affirmatives of men, for our nay may be as good as their yea: but if the thing be matter of faith, and not of opinion only, let us not stay for a testimony of man, but confirm our question by the word of God; which is the most certain of all, or is indeed rather the only demonstration.' Now that there may be no starting-hole from these words of the saint, I only add this, that it is plain from the whole order of his discourse that he speaks only of the word of God written. For the words before are these, 'Do they take away all demonstration, or do they affirm that there is any? I suppose they will grant there is some; unless they have lost their senses. But if there be any demonstration, it is necessary that we make enquiry:' *καὶ δι' αὐτῶν τῶν γραφῶν ἐκμανθάνειν ἀποδεικτικῶς*[y], 'and from the scriptures to learn demonstratively.' And a little after he adds, 'they that employ their time about the best things, never give over their searching after truth,' *πρὶν ἂν τὴν ἀπόδειξιν ἀπ' αὐτῶν λάβωσι τῶν γραφῶν*[z], 'until from the scriptures they have got a demonstration.' He speaks against the gnostics, who pretended to secret traditions from I know not who: against them he advises Christians *καταγηράσαι ταῖς γραφαῖς, . . ἀποδείξεις ἐπιζητεῖν*[a], 'to wax old in the scriptures,' thence 'to seek for demonstrations,' and by that rule to frame our lives.

§ 4. S. Basil[b] in his Ethics, *definit.* 26, *Δεῖ πᾶν ῥῆμα ἢ πρᾶγμα πιστοῦσθαι τῇ μαρτυρίᾳ τῆς θεοπνεύστου γραφῆς, εἰς πληροφορίαν μὲν τῶν ἀγαθῶν, ἐντροπὴν δὲ τῶν πονηρῶν,* 'whatsoever is done or said ought to be confirmed by the testimony of the divinely-inspired scripture; both for the full persuasion of the good, as also for the condemnation of the evil:' *πᾶν ῥῆμα ἢ πρᾶγμα*, that is, 'every thing that belongs to faith and manners,' not every indifferent thing, but every thing of duty; not every thing of a man, but every thing of a

[x] Clem. Alex. stromat., lib. vii. [cap. 16. p. 891.]
[y] [cap. 15. p. 888.]
[z] [cap. 16. p. 889.]
[a] [p. 896.]
[b] [tom. ii. p. 256 B.]

Christian; not things of natural life, but of the supernatural. Which sense of his words clearly excludes the necessity of tradition, and yet intends not to exclude either liberty, or human laws, or the conduct of prudence.

§ 5. To the like purpose is that of Origen[c]: *Debemus ergo ad testimonium verborum quæ proferimus in doctrina, proferre sensum scripturæ, quasi confirmantem quem exponimus sensum;* 'we ought to bring scripture for the confirmation of our exposition:' which words of his are very considerable to those who are earnest for our admittance of traditive interpretation of scriptures. Concerning which in passing by (because it will be nothing to the main enquiry, which is not how scripture is to be understood, but whether being rightly understood it be a sufficient rule of faith and manners) I shall give this account: that besides there are (I mean in matters of faith, not in matters ritual and of government) no such traditive commentaries; there being no greater variety and difference amongst the ancient and modern writers commonly and respectively in any thing than in their expositions of scripture; no where so great liberty, no where so little agreement; besides this, I say, that they are in commentaries of scripture to be looked upon as so many single persons, because there was no public authentic commentary any where, no assemblies in order to any such expositions, no tradition pretended for the sense of controverted places; but they used right reason, the analogy of faith, the sense of the words, and the notice of the originals, and so they expounded certainly or probably according as it happened, according to that of S. Athanasius[d], *Sunt vero etiam multi sanctorum magistrorum libri, in quos si quis incurrat assequetur quodammodo scripturarum interpretationem;* 'there are many books of the holy doctors, upon which if one chance to light, he may in some measure attain to the interpretation of the scriptures.' But when they (according to Origen's way here described) confirmed an exposition of one place by the doctrine of another, then and then only they thought they had the ἀπόδειξις γραφικὴ, 'the scripture-demonstration,' and a matter of faith and of necessary belief: and that this was the duty of the christian doctors, Origen[e] does expressly affirm; 'Afterwards as Paul's custom is he would verify from the holy scriptures what he had said; so also giving an example to the doctors of the church, that what they speak to the people should not be of their own sense, but confirmed by divine testimonies. For if he, such and so great an apostle, did not suppose his own authority sufficient warrant to his sayings, unless he make it appear that what he says is written in the law and the prophets; how much more ought we little ones observe this, that we do not bring forth ours, but the sentences of the Holy Spirit;' viz. from scripture, for that was the practice of S. Paul, whom he in this place for that very thing propounds as imi-

[c] In Matt. [tract. xxiii. tom. iii. p. 842 D.]

[d] Orat. contra gentes. [tom. i. p. 1 B.]

[e] In Rom. iii. [lib. iii. tom. iv. p. 504 C.]

able. And in pursuance of this example and advice, S. Cyril[f] expresses himself perfectly, μὴ ταῖς ἐμαῖς εὑρεσιολογίαις πρόσεχε, 'attend not to my inventions, for you may possibly be deceived; but trust no words,' ἐὰν μὴ μάθῃς ἐκ τῶν θείων γραφῶν, 'unless thou dost learn it from the divine scriptures.' And more fully yet he speaks in another place[g]; speaking of faith in the holy Trinity, he advises them to 'retain that zeal in their mind, which by heads or summaries is already lightly expounded to you, but if God grant, shall according to my strength be demonstrated to you by scripture.' Δεῖ γὰρ περὶ τῶν θείων καὶ ἁγίων τῆς πίστεως μυστηρίων μηδὲ τὸ τυχὸν ἄνευ τῶν θείων παραδίδοσθαι γραφῶν· 'for it behoves us not to deliver so much as the least thing of the holy mysteries of faith without the divine scriptures, not to be moved with probable discourses: neither give credit to me speaking, unless what is spoken be demonstrated by the holy scriptures:' ἡ σωτηρία γὰρ αὕτη τῆς πίστεως ἡμῶν οὐκ ἐξ εὑρεσιολογίας, ἀλλ' ἐξ ἀποδείξεως τῶν θείων ἐστὶ γραφῶν, 'for that is the security of our faith which is derived not from witty inventions, but from the demonstration of divine scriptures.' *Omne quod loquimur debemus affirmare de scripturis sanctis,* said S. Hierome[h]; 'every thing that we speak we must prove it from the holy scriptures;' not every thing absolutely, but every thing of religion, every thing of faith and manners: and if all this be not in the scriptures, it can have no just authority. *Hoc, quia de scripturis non habet auctoritatem, eadem facilitate contemnitur qua probatur*[i]; 'if it have not its warrant from scripture, it may with as much ease be despised as it was offered.' Where though S. Hierome speaks of a particular question, viz. whether Zecharias the son of Barachias were the father of John the baptist; yet it could not have been applied to this particular if it had not been true in the general, that every thing of religion may be rejected that is not proved from scripture. But this is expressly affirmed by S. Chrysostom[k]; *Nam si quid dicitur absque scriptura, auditorum cogitatio claudical, &c.,* 'if any thing be spoken without scripture the thought of the hearers is lame; sometimes inclining to assent, sometimes declining; sometimes rejecting the opinion as frivolous, sometimes receiving it as probable: but when a testimony of the divine voice proceeds from scripture, it confirms the speech of him that speaks, and the mind of him that hears.' And upon this account it was S. Cyril of Alexandria[l], being to dispute with Theodoret concerning some mysterious questions of religion, refused to confer but from the fountains of scripture. 'It became him,' says he, 'being exercised in scriptures, since his desire was to confer with me about divine mysteries, to speak with us only

[f] S. Cyril. Hierosol., catech. xii. illuminatorum. [§ 5. p. 165 B.]

[g] Catech. iv. illuminat. [§ 17. p. 60 A.]

[h] [In Psal. xcviii. tom. ii. col. 384.]

[i] Idem in Matt. xxiii. [tom. iv. part. i. col. 113.]

[k] Homil. in Psal. xcv. [tom. v. p. 636 B.]

[l] Ad Euoptium. [pro xii. capp. advers. Theod., tom. vi. p. 205.]

out of the holy scriptures, and so to frame his discourse as becomes holy things.' And I should wonder if Theodoret[m] should do otherwise: for he himself brings in the orthodox Christian saying to Eranistes, Μή μοι λογισμοὺς καὶ συλλογισμοὺς ἀνθρωπίνους προσενέγκῃς, ἐγὼ γὰρ μόνῃ πείθομαι τῇ θείᾳ γραφῇ, 'tell not me of your logisms and syllogisms, I rely upon scripture alone:' in which short sentence he makes provision against all devices of man's inventing; but he establishes a remedy and an affirmative that is equally strong against all pretension of traditions besides scripture, by saying that scripture alone is the ground of his confidence, the argument of his persuasion in matters of religion. But S. Austin[n] establishes the same sufficient and only rule of scripture, and by way of instance excludes the authority of councils. *Sed nunc nec ego Nicænum nec tu debes Ariminense tanquam præjudicaturus proferre concilium. Neque ego hujus auctoritate neque tu illius detineris: scripturarum auctoritatibus, non quorumcunque propriis, sed utrisque communibus testibus, res cum re, causa cum causa, ratio cum ratione concerta;* 'I ought not to urge the Nicene council, nor you that of Ariminum, as prejudging the question on either side; but let the causes be confronted, argument against argument, matter against matter, thing against thing by the authorities of scripture, which are the witnesses common to us both.' By which words if S. Austin's affirmative can prevail, it is certain that nothing ought to be pretended for argument but scripture in matters of religion. For if a general council, which is the best witness of tradition, the best expounder of scripture, the best determiner of a question, is not a competent measure of determination, then certainly nothing else can pretend to it, nothing but scripture. And if it be replied that this is only affirmed by him in case that two councils are or seem contrary: I answer that if councils can be or seem contrary, so that wise and good men cannot competently insist upon their testimony, it is certain a man may be deceived, or cannot justly be determined by any topic but the words and consequences of scripture; and if this be the only probation, then it is sufficient, that's certain. But that will be a distinct consideration. In the mean time that which I intend to persuade by these testimonies, is, that the fathers of the primitive church did in all their mysterious enquiries of religion, in all matters of faith and manners, admit no argument but what was derived from scripture[o].

§ 6. 2) Next to this and like it is that the primitive doctors did

[m] Dialog. i. cap. 6. [tom. iv. p. 18.]

[n] Contra Maximum, lib. ii. cap. 14. [tom. viii. col. 704 F.]

[o] Vos dicitis, Licet; nos dicimus, Non licet. Inter licet vestrum, et non licet nostrum, nutant et remigant animæ populorum. Nemo vobis credat, nemo nobis; omnes contentiosi homines sumus: quærendi sunt judices; si christiani, de utraque parte dari non possunt, quia studiis veritas impeditur. De foris quærendus est judex: si paganus, non potest christiana nosse secreta; si Judæus, inimicus est christiani baptismatis. Ergo in terris de hac re nullum poterit reperiri judicium: de cœlo quærendus est judex. Sed ut quid pulsamus ad cœlum, cum habeamus hic in evangelio testamentum!

confute all heresies from scripture; which could no way be done, but that because *rectum est index sui et obliqui*, 'that which is straight will demonstrate its own straightness and the crookedness of that which is crooked.' Scripture must be a rule of all religion and all faith, and therefore sufficient to reprove all vice and every heresy. So Tertullian[p] discourses, *Aufer hæreticis quæ cum ethnicis sapiunt, ut de scripturis solis quæstiones suas sistant*, 'take from heretics their ethnic learning, that they may dispute their questions out of scripture only.' To this purpose Origen[q] brings in the precedent of our blessed Lord from scriptures confuting the heresy of the sadducees about the resurrection. As Christ did, *sic facient et Christi imitatores exemplis scripturarum, quibus oportet secundum sanam doctrinam omnem vocem obmutescere Pharaonis*, 'so will the followers of Christ do by the examples of scriptures, which will put to silence every voice of Pharoah;' that is, every doctrine of the adversaries. Plainer yet are those excellent words of S. Athanasius[r], speaking but of a small part of scripture, even so much as was sufficient to prove the articles of the Nicene creed: Ἡ γὰρ ἐν αὐτῇ παρὰ τῶν πατέρων κατὰ τὰς θείας γραφὰς ὁμολογηθεῖσα πίστις αὐτάρκης ἐστὶ, πρὸς ἀνατροπὴν μὲν πάσης ἀσεβείας, πρὸς σύστασιν δὲ τῆς εὐσεβοῦς ἐν Χριστῷ πίστεως· he says, 'that faith which the fathers confessed at Nice, according to the holy scriptures, was sufficient to reprove all heretical impiety, and to establish our religion or faith in Christ.' And therefore S. Chrysostom[s] compares the scriptures to a door: Αὐταὶ γὰρ ἡμᾶς προσάγουσι τῷ θεῷ, καὶ τὴν θεογνωσίαν ἀνοίγουσιν.. οὕτως ἀποκλείει τοῖς αἱρετικοῖς τὴν εἴσοδον· 'for they lead us to God, and open to us the knowledge of God, and keep heretics from entering in.' The metaphor is dogmatical and plain enough without a commentary: the scripture must be the port at which every article of faith must go forth, and by which every heresy can be kept from the fold of Christ. *Quæ ignoramus ex ea discimus*, so Theodoret[t]; 'whatsoever we are ignorant of we learn from thence.' *Nihil est*

—Optat. lib. v. contr. Parmen. [cap. 3. p. 81.]

Ego solis eis scripturarum libris qui jam canonici appellantur, didici hunc timorem honoremque deferre, ut nullum eorum auctorem aliquid scribendo errasse firmissime credam: alios autem ita lego, ut quantalibet sanctitate doctrinaque polleant, non ideo verum putem quia ipsi ita senserunt, sed quia mihi vel per illos auctores canonicos, vel probabili ratione, quod a vero non abhorreat, persuadere potuerunt.—S. August. ep. xix. ad Hieronymum. [al. lxxxii. tom. ii. col. 190 F.]

Si divinarum scripturarum, earum scil. quæ canonicæ in ecclesia nominantur, perspicua firmatur auctoritate, sine ulla dubitatione credendum est Aliis vero testibus vel testimoniis quibus aliquid credendum esse suadetur, tibi credere vel non credere liceat, &c.—Idem epist. cxii. [al. cxlvii. tom. ii. col. 475 A.] Vide eundem libr. ad Donatistas post collationem, cap. 15. [tom. ix. col. 592 F.] et lib. de unitate ecclesiæ, [al. epist. contr. Donatist.] capp. 18, 9. [tom. ix. coll. 371, 2.] et lib. ii. de baptismo contra Donatistas, cap. 3. [tom. ix. col. 98.]

[p] De resur. carnis, cap. 3. [p. 227 C.]

[q] Tract. xxiii. in Matt. [tom. iii. p. 830 B]

[r] Epist. ad Epict. [tom. i. p. 901 A.]

[s] Homil. lviii. in Johan. [al. lix. tom. viii. p. 346 D.]

[t] Ad illud 'ad docendum,' in 2 Tim. iii. [tom. iii. p. 691.]

quod nequeat scripturis dissolvi, so Theophylact[u]; 'there is no difficulty but may be untied by the scriptures.'

§ 7. The author of the imperfect work upon S. Matthew, usually attributed to S. Chrysostom[x], discourses pertinently and extreme fully to this article. 'Then "when ye shall see the abomination of desolation standing in the holy place," that is, when ye shall see impious heresy, which is the army of antichrist, standing in the holy places of the church, in that time "he which is in Judea let him flee to the mountains," that is, they who are in christianity let them run to the scriptures. And why does he command all Christians in that time to run to the scriptures? Because ever since heresy did infest those churches, there can be no proof of true christianity, nor any other refuge for Christians who would know the truth of faith, but that of the divine scripture.' And a little after, 'Now by no means can he that desires come to know which is the true church of Christ, but only by the scriptures . . Our Lord therefore knowing that there would be so great a confusion in the last days, commands that all Christians who would be established in the truth of faith should fly to nothing but to the scriptures.' These words in some editions of the works of S. Chrysostom are scratched out by a Roman hand, to the regret of some of his own party, and the shame of them that suffered it or are pleased with it. All that I shall say to the book is this, that it is very often urged by the greatest patrons of tradition to serve their ends in many other questions, and therefore cannot be rejected upon pretence of not being S. Chrysostom's; much less upon pretence that it was written or interpolated by an Arian; because the Arians called for scripture in the use of the word ὁμοούσιος, but for the thing itself they offered to be tried by tradition: and so did the catholics, as it happened, or as the peevishness of their adversaries or the advantages of the question did prompt them; but the catholics and the Arians never did differ upon the question of the sufficiency of scripture. But as for the book, it is *liber doctus minime spernendus*, says Bellarmine[y]; and so is this testimony, and the rather because it is perfectly agreeing with the doctrine of the other fathers.

§ 8. So S. Augustine[z], *Contra insidiosos errores Deus voluit ponere firmamentum in scripturis, contra quas nullus audet loqui qui quoquo modo se vult videri christianum;* 'against treacherous errors God would place our strength in the scriptures, against which none that would any way seem a Christian dares to speak.' And a little after he adds this example, 'When Christ offered Himself to Thomas to be handled,' *non illi suffecit nisi de scripturis confirmaret cor credentium*, 'Christ thought it not enough unless out of the scriptures He had confirmed the heart of the believers:' *prospiciebat enim nos*

[u] Ibidem. [p. 825.]
[x] [Hom. xlix. tom. vi. p. 204.]
[y] De script. eccl. de S. Joh. Chrysost. [tom. vii. col. 78 G.]
[z] Tract. ii. in epist. Johan. [tom. iii. part. 2. col. 836 B.]

futuros, 'He foresaw that we should come after: for if they therefore believed because they held and handled Him, what do we? Christ is ascended into heaven, not to return but at the end of the world, that He may judge the quick and the dead: whence shall we believe but by that by which He confirmed them who handled Him? He opened unto them the scriptures.' The scriptures therefore are the great repository and the great security of faith. They are also the great and the only deletery of heresies. So Justus Orgilitanus[a] expounds that of the Canticles "take the little foxes," that is, *convincite hæreticos, eorumque versutias sanctarum scripturarum concludite testimoniis;* 'convince heretics, and restrain their subtleties and crafts with the testimonies of holy scriptures.' And thus in fact the fathers did conclude against the Gnostics, the Valentinians, the Marcionites, the Manichees, the Photinians, the Arians, the Novatians, Eutychians, Eunomians, Nestorians, Macedonians, and all the pests of christendom. *Hos percussit gladius.* The word of God is "sharper than a two-edged sword[b];" and the magazines of scripture were the armories of the Church.

§ 9. 3) The fathers did reject whatsoever was offered as an article of faith or a rule of manners, that was not in or could not be proved from scriptures. So Tertullian[c], *Sed quoniam unum aliquod attigimus vacuæ observationis, non pigebit cætera quoque denotare, quibus merito vanitas exprobranda est, siquidem sine ullius aut dominici aut apostolici præcepti auctoritate fiunt; hujusmodi enim non religioni, sed superstitioni deputantur, affectata et coacta, et curiosi potius quam rationalis officii:* 'if you cannot shew the authority of a divine or apostolical precept, your office is not religion, but superstition, not a reasonable service, but curiosity coaction or affectation.' Pamelius supposed these words to be very dangerous against ecclesiastical traditions. They are indeed against all such traditions as either were mere matters of fact without command, or were postnate to the days of the apostles, of which nature are almost all now in reputation and practice amongst the Romanists. But more full yet and explicative of the former are those other words of Tertullian against Hermogenes[d]: 'Whether all things were made of pre-existing matter, I have no where read, let the school of Hermogenes shew where it is written.' *Si non est scriptum, timeat Væ illud adjicientibus aut detrahentibus destinatum,* 'if it be not written, let him fear the curse of them that add or detract to or from what is written in the scriptures.' But S. Basil[e] is yet more decretory, Φανερὰ ἔκπτωσις πίστεως, καὶ ὑπερηφανίας κατηγορία, ἢ ἀθετεῖν τι τῶν γεγραμμένων, ἢ ἐπεισάγειν τῶν μὴ γεγραμμένων, 'it is a manifest defection from the faith, and a conviction of pride, either to reject any thing of what is written, or to introduce any thing that is not.' And therefore in

[a] [In Cant. ii. 15.—Max. bibl. vet. patr., tom. ix. p. 734 C.]
[b] [Hebr. iv. 12.]
[c] De orat., cap. 12. [p. 133 D.]
[d] Cap. 22. [p. 241 D.]
[e] Homil. de fide. [tom. ii. p. 224 D.]

pursuance of this great truth and measure of conscience, he gives this rule[f], πᾶν τὸ ἐκτὸς τῆς θεοπνεύστου γραφῆς οὐκ ἐκ πίστεως ὂν ἁμαρτία ἐστὶν, 'whatsoever is without scripture, not derived from thence, is not of faith, and therefore is a sin:' and therefore every such thing S. Austin[g] accurses; *Proinde sive de Christo sive de ejus ecclesia, sive de quacunque alia re quæ pertinet ad fidem vitamque nostram, non dicam si nos, sed, quod Paulus adjecit, si angelus de cœlo vobis annunciaverit præterquam quod in scripturis legalibus et evangelicis accepistis, anathema sit,* 'if any of us I will not say, but if any angel (for that S. Paul added) shall say any thing of Christ or of His church, or of any other thing pertaining to faith and our life, except what we have received from the scriptures of the law and the gospels, let him be anathema.' *Scripturis non loquentibus quis loquetur,* 'if the scriptures speak not, who will speak?' said S. Prosper[h]. 'All things which are delivered to us by the law and the prophets and the apostles, we receive acknowledge and confess, neither do we enquire after any thing else: for it cannot be that beside those things which are divinely spoken by the divine oracles of the Old and New testament, we should say or at all think any thing of God:' so S. Cyril[i]. These fathers speak dogmatically, generally, and peremptorily: nothing but what is in scripture, nothing of God, nothing of Christ, nothing of His church, nothing of any thing else. Add to these, that by their doctrine of the sufficiency and sole use and necessity of scripture in matters of religion they do exclude by name every thing that pretends against scripture. So Theophilus Alexandrinus[k]; *Dæmoniaci spiritus est instinctus sophismata humanarum mentium sequi, et aliquid extra scripturarum auctoritatem sequi,* 'it is the instinct of the devil to follow the inventions of men's minds, and to follow any thing without the authority of the scriptures.' No device, no wit, no argument or invention of man is to be admitted into religion; nothing but scriptures: but neither may traditions be received. *Quæ absque auctoritate et testimoniis scripturarum quasi traditione apostolica sponte reperiunt et confingunt, percutit gladius,* so S. Hierome[l]; 'these things which they feign as if they were traditions apostolical, the sword shall smite, if they be without authority and testimonies from scripture.' And so S. Basil[m], to the question whether new converts are to be accustomed to the scriptures, he answers, 'It is fit that every one should out of the holy scriptures learn what is for his use; yea it is necessary,' εἷς τε πληροφορίαν τῆς θεοσεβείας, καὶ ὑπὲρ τοῦ μὴ προσεθισ-

[f] In asceticis, reg. lxxx. [cap. 22. tom. ii. p. 317 D.]

[g] Lib. iii. contra liter. Petiliani, cap. 6. [tom. ix. col. 301 E.]

[h] De vocat. gentium. [lib. ii. cap. 9. p. 176 F.]

[i] Lib. de Trinit. et persona Christi. [tom. vi. p. 2 A.]

[k] [Dæmoniaci . . . auctoritatem putare divinum.]— Paschal. ii. [interpr. Hieron. in max. bibl. vet. patr., tom. v. p. 850 F.]

[l] In Agge. c. i. [tom. iii. col. 1690.]

[m] In regul. brev., reg. xcv. [tom. ii. p. 449 A.]

θῆναι ἀνθρωπίναις παραδόσεσιν, 'both for the full certainty of godliness, and also that they may not be accustomed to human traditions.' Where it is observable, he calls all 'human traditions' that are not in scripture; for if there were any divine traditions which are not in scripture, he ought to have advised the learning of them besides scripture, for the avoiding of traditions which are not divine: but the scripture being sufficient for all, whatsoever is besides it is human, and to be rejected. I sum up this particular with an excellent discourse of the same saint to the same purpose. He asks a question[n], 'whether it be lawful or profitable to any one to permit himself to do or to speak what himself thinks right, without the testimony of the holy scriptures.' He answers (after the quotation of many places of scripture,) 'Who therefore is so mad, that of himself he dare so much as in thought to conceive any thing, seeing he wants the holy and good Spirit for his guide, that he may be directed both in mind in word and in action into the way of truth, or that he would remain blind without our Lord Jesus Christ who is the sun of righteousness, &c.? But because of those things which are disputed amongst us some are determined by the commandment of God in holy scripture, others are passed over in silence; as for those things which are written, there is absolutely no power at all given to any one, either to do any of those things which are forbidden, or to omit any of those things which are commanded: since our Lord hath at once denounced and said, "Thou shalt keep the word which I command thee this day, thou shalt not add to it, nor take from it." For a fearful judgment is expected and a burning fire to devour them who dare any such thing. But as for those things which are passed over in silence, the apostle Paul hath appointed us a rule, saying, "All things are lawful to me, but all things are not expedient; all things are lawful, but all things do not edify:" "Let no man seek to please himself, but every one another's good." So that it is altogether necessary to be subject to God according to His commandment.' The sum is this, nothing is matter of duty either in word or deed, in faith or manners, but what is written in the scriptures: whatsoever is not written there it is left to our liberty, and we are to use it as all indifferent things are to be used, that is, with liberty and with charity. Now if concerning such things as these there be any traditions, it matters not; they are no part of our religion, but to be received like laws of man, or customs, of which account is to be given in the proper place.

§ 10. 4) The fathers of the church did affirm the holy scriptures to be a sufficient and a perfect rule of faith and manners. *Adoro scripturæ plenitudinem*, said Tertullian[o], *quæ mihi et factorem manifestat et facta:* 'I adore the fulness of scripture, which declares God and God's works.' His instance is in one article, but that without the rest can be no fulness; as Virgil's Georgics cannot be

[n] In reg. brev., reg. i. [p. 414.] [o] Advers. Hermogen., cap. xxii. [p. 241 D.]

full, because he tells a few things well of bees and tillage. But I will not choose any authorities concerning which I need to argue; there are enough that are extremely plain, affirmative and concluding. I instance in Irenæus[p]. *Credere*[q] *hæc talia debemus Deo qui et nos fecit, rectissime scientes quia scripturæ quidem perfectæ sunt, quippe a verbo Dei et spiritu ejus dictæ,* 'we know assuredly that the scriptures are perfect, for they are the word of God, and spoken by the Spirit of God.' But therefore he advises[r], *Legite diligentius id quod ab apostolis est evangelium nobis datum, et legite diligentius prophetas, et invenietis universam actionem, et omnem doctrinam, et omnem passionem Domini nostri prædicatam*[s] *in ipsis;* 'read the gospel which the apostles left us more diligently, read the prophets more diligently, and you shall find declared in them all the doctrine of Christ, all His action and all His passion.' By *universam actionem* he means His life indefinitely, and in general: and certainly the New testament needs nothing to its being a perfect rule, when it contains all Christ's doctrine, and all His story, viz., so far as concerns us. Εὐαγγελικαὶ γὰρ βίβλοι καὶ ἀποστολικαὶ, καὶ τῶν παλαιῶν προφητῶν τὰ θεσπίσματα σαφῶς ἡμᾶς ἅπερ χρὴ περὶ τοῦ θείου φρονεῖν ἐκπαιδεύουσι, said Constantine[t] the emperor: 'the evangelical books, and those of the apostles, and the oracles of the old prophets, do evidently teach us to believe those things which we ought to believe concerning that which is divine.' And therefore S. Athanasius, or whoever is the author of the exhortation to the monks[u], *Cura in canonicis ponenda est salubriter monumentis, non quod apocrypha debeamus præsertim ignorata damnare, sed quod ad scientiam Dei digestam canonis seriem putemus posse sufficere:* 'be careful in reading the canonical scriptures; not that the apocryphal (especially before they are known) ought to be rejected, but that we suppose the canon is sufficient to the knowledge of God.' The same with Constantine's περὶ θείου, 'that which is concerning God;' that is, the religion. But more full is that short sentence of S. Athanasius[x], Αὐτάρκεις μὲν γάρ εἰσιν αἱ ἁγίαι καὶ θεόπνευστοι γραφαὶ πρὸς τὴν τῆς ἀληθείας ἀπαγγελίαν, 'the holy and divinely-inspired scriptures are in themselves sufficient for the preaching or enunciation of the truth.' To the same purpose are the words of S. Chrysostom[y]; 'If there be need to learn any thing, or to be ignorant of any thing, thence we learn; if we would reprove falsehood, thence we draw; if any thing be wanting to correction, to castigation, to comfort, and that we ought to get it, from thence we learn it:' μηδὲ περιμείνῃς ἕτερον διδάσκαλον· ἔχεις τὰ λόγια τοῦ θεοῦ, οὐδείς σε

[p] Lib. ii. cap. 47. [al. 28. p. 156.]

[q] [al. 'cedere.'] Lib. iv. cap. 66. [al. 34. p. 274.]

[r] [al. 'prædictam.'] Apud Theodoret., hist. eccles., l. i. [c. 6.] et apud Gelasium Cyzicenum in actis concil. Nicæn., lib. ii. cap. 7. [concill., tom. i. col. 381 D.]

[s] [Inter opera Athanasii, tom. ii. p. 709 B.]

[t] Orat. contra gentes, in initio. [tom. i. p. 1 B.]

[u] Homil. ix. in 1 Tim. [tom. xi. p. 714 E.]

διδάσκει ὡς ἐκεῖνα[y], 'look for no other teacher, thou hast the oracles of God; none teaches thee like them.' He that uses not the scriptures, but comes into the fold of Christ some other way, that is, appoints a way to himself which the law of God hath not established, he is a thief. 'For the scriptures are like a most strong gate, and keep out heretics from entering, and make us altogether sure of all things whatsoever we will[z]:' 'of all things,' that is, of all things of religion; for that is the subject of the discourse, and explicitly delivered by him in another place[a]; *Quicquid quæritur ad salutem totum jam adimpletum est in scripturis,* 'in the scriptures fully there is whatsoever is looked for unto salvation.' And this is so expressed in an excellent place of S. Austin[b], *In iis quæ aperte in scripturis posita sunt inveniuntur illa omnia quæ continent fidem moresque vivendi, spem scil. atque charitatem.* More fully yet was that of abbot Odilo[c] of the Cluniac order, *Omnis ratio qua vel Deum vel nos cognoscimus, divinis libris continetur,* 'in those things which are openly or plainly placed in the scriptures all things are to be found which contain faith, and the manners of life, viz., hope and charity;' 'every measure or manner by which we know God or ourselves is contained in the divine books.' What can be more plain or more affirmative? But S. Austin[d] says the same thing over and over; *Legite sacram scripturam, in qua quid tenendum quid fugiendum plene*[e] *invenietis;* 'read the holy scriptures; in which ye shall (perfectly, or) fully find what is to be held, what is to be avoided.' And again[f], *Sancta scriptura nostræ doctrinæ regulam figit,* 'the holy scripture fixes or limits the rule of our doctrine.' *In hoc volumine cuncta quæ ædificant, omnia quæ erudiunt, scripta continentur,* saith S. Gregory bishop of Rome[g], 'in this volume whatsoever can instruct us, whatsoever can edify us is contained.' Πάντα τὰ παραδεδομένα ἡμῖν διά τε νόμου καὶ προφητῶν καὶ ἀποστόλων καὶ εὐαγγελιστῶν δεχόμεθα καὶ γινώσκομεν καὶ σέβομεν, οὐδὲν περαιτέρω τούτων ἐπιζητοῦντες, said S. Damascene[h]; 'all things delivered to us by the law and the prophets, the apostles and evangelists, we receive and know and reverence, looking for nothing beyond these.' 'And to bring in any thing that is a stranger to scripture,' Theodoret[i] calls it 'an extinguishing of the Spirit; something contrary to that duty whereby we are obliged to stir up the grace of God we have received.' 'For the church of Christ dwells in and possesses assemblies in all

[y] Homil. ix. in ep. ad Coloss. [tom. xi. p. 391 B.]
[z] Homil. lviii. in Joann. [al. lix. tom. viii. p. 346 D.]
[a] Homil. xli. op. imperf. in Matt. [tom. vi. append. p. 174 B.]
[b] Lib. ii. c. 9. de doctrina christiana. [tom. iii. part. 1. col. 24 D.]
[c] Collat., lib. i. cap. 1. [in biblioth. Cluniac. per Mart. Marrier, col. 161 D. fol. Par. 1614.]
[d] Serm. xxxviii. ad fratres in eremo. [tom. vi. append. col. 345 G.]
[e] ['plane' edd.]
[f] De bono viduit., cap. 1. [tom. vi. col. 369 D.]
[g] [lib. i.] homil. ix. in Ezek. [tom. i. col. 1264 A.]
[h] Lib. i. de orthod. fide, c. 1. [tom. i. p. 123 E.]
[i] In Levit. quæst. ix. [tom. i. p. 187.]

the world, being joined by the unity of the Spirit, and hath cities of the law and the prophets, of the gospel and apostles; she departs not out of her own bounds, that is, from the holy scriptures, but retains her first possession:' so S. Hierome[j]. And in his commentary on Psal. lxxxvi., (if he be the author of it, as Rupertus affirms,) expounding those words, *Dominus narrabit in scriptura populorum et principum horum qui fuerunt in ea*, he says[k], *'Et principum,' hoc est apostolorum et evangelistarum: 'horum qui fuerunt in ea,' videte quid dicat, 'qui fuerunt,' non 'qui sunt,' ut exceptis apostolis, quodcunque aliud postea dicitur, abscindatur, non habeat postea auctoritatem. Quamvis ergo sanctus sit aliquis post apostolos, quamvis disertus sit, non habet auctoritatem, quoniam Dominus narrat in scriptura populorum et principum qui fuerunt in ea:* 'The princes of the people, that is, the apostles and evangelists: Of them which have been in her, which have been, not which are in her; that excepting what the apostles say, every thing after them may be cut off, it hath after them no authority. For if there be any wise man, any saint after the apostles, he hath no authority; because our Lord saith, in the scripture or writing of the princes that have been in her.' *Sufficit divina scriptura ad faciendum eos qui in illa educati sunt sapientes, et probatissimos, et sufficientissimam habentes intelligentiam; indigemusque ad hoc prorsus nihil externis magistris;* so S. Cyril of Alexandria[l]: 'the divine scripture is sufficient to make them who are educated in it wise and most approved, and having a most sufficient understanding, and besides this we need no external masters.' To the same purpose is that of Anastasius[m] of Antioch, *Quod quæ silentio præteriit scriptura divina non sint scrutanda, est perspicuum: omnia enim quæ faciunt ad nostram utilitatem dispensavit et administravit Spiritus sanctus:* 'it is manifest that those things are not to be enquired into which the scripture hath passed over with silence: for the holy Spirit hath dispensed to us and administered all things which conduce unto our profit.' *Quicquid est de verbo Dei, quicquid sciri vel prædicari oportet, de incarnatione, de vera divinitate et humanitate filii Dei, duobus ita continetur testamentis, ut extra hæc nihil sit quod annunciari debeat aut credi. Totum in his comprehenditur cœleste oraculum, quod tam firmiter scire debemus, ut extra hæc audire neque hominem nobis liceat, neque angelum*[n]*:* 'whatsoever is of the word of God, whatsoever ought to be known or preached of the incarnation, of the true divinity and humanity of the son of God, is so contained in both the testaments, that besides these there is nothing that may be believed or preached. All the whole celestial oracle is comprehended in these, which we

[j] In Michæ. i. [tom. iii. col. 1503.]
[k] [tom. ii. col. 350.]
[l] Lib. vii. contra Julian. [tom. vi. p. 230 B.]
[m] Lib. viii. anagogicæ contempl. in Hexaemeron. [max. bibl. vet. patr., tom. ix. p. 896 F.]
[n] Rupert. abbas Tuitiensis, comment. in lib. Regum, lib. iii. cap. 12. [tom. i. p. 477.]

must so firmly believe, that besides these it is not lawful for us to hear either man or angel.' And indeed it were not to be imagined how the scripture should be a canon or rule to Christians, if it were so imperfect that it did not contain the measures of faith and manners. Κανών ἐστι . . μέτρον ἀδιάψευστον πᾶσαν πρόσθεσιν καὶ ἀφαίρεσιν μηδαμῶς ἐπιδεχόμενος, said Varinus[n], 'a rule or canon is an unerring measure, which at no hand can receive addition or suffer diminution.' And S. Basil[o] reproved the heretic Eunomius for folly besides his false doctrine, because that he affirmed tradition of the fathers to be the gnomon or canon of faith, and yet said προσθήκης ἀκριβεστέρας δεῖσθαι, 'that it wanted some additament to make it exact;' one part contradicts the other. Ὁ κανὼν οὔτε πρόσθεσιν οὔτε ἀφαίρεσιν δέχεται, ἐπεὶ τὸ κανὼν εἶναι ἀπόλλυσι, saith S. Chrysostom[p], 'if any thing be put to it, or taken from it, it ceases to be a canon.' And therefore scriptures are not the christian canon, they are not canonical, if they need to be supplied by traditions. The same is also affirmed by Œcumenius, and the very words of Chrysostom are transcribed by Theophylact.

§ 11. 5) Whatsoever Christ taught to His apostles by His sermons and by His spirit, all that the apostles taught to the church, and set it down in writing.

This we learn from S. Irenæus[q], *Non per alios dispositionem salutis nostræ cognovimus quam per eos per quos evangelium pervenit ad nos, quod quidem hinc præconiaverunt, postea vero per Dei voluntatem in scripturis nobis tradiderunt, fundamentum et columnam fidei nostræ futurum:* 'we have known the economy of our salvation by no other but by those by whom the gospel came to us; which truly they then preached, but afterwards by the will of God delivered to us in the scriptures, which was to be the pillar and ground to our faith:' viz., what the church was afterwards to minister the scriptures did consign, and both of them were pillars and grounds of faith; the church λειτουργικῶς, the scriptures αὐθεντικῶς, the church by way of ministry, the scriptures by their authority. To this purpose are those words of S. Austin[r], *Cum multa fecisset Dominus Jesus, non omnia scripta sunt, sicut idem ipse sanctus Joannes evangelista testatur, multa Dominum Christum et dixisse et fecisse quæ scripta non sunt; electa sunt autem quæ scriberentur quæ saluti credentium sufficere videbantur:* 'Our Lord Jesus did do many things which are not written; and the holy evangelist does witness that He both did and spake many things which are not written: but those things which were seen to suffice to the salvation of believers were chosen to be written.' And therefore S. Austin[s] and Optatus[t]

[n] [al. Phavorinus, in lexic. ad voc.]
[o] Lib. i. contr. Eunomium. [tom. i. p. 213 E.]
[p] Homil. xii. in 3 Philipp. [tom. xi. p. 293 D.]
[q] Lib. iii. cap. 1. [p. 173.]
[r] Tract. xlix. in Joann. [tom. iii. part. 2. col. 619 A.]
[s] Exposit. ii. in psalm. 21. [tom. iv. col. 101 F.]
[t] Contr. Parmen., lib. v. [cap. 3. p. 82.]

compare the scriptures to the will of the testator: concerning his goods the kindred may strive, one affirming this and another that; but *proferte tabulas*, shew the will, peruse the writings; then the judge listens, the advocates are silent, the people are in suspense, the litigants wait: let the testator's words be read, that must end all contention. Now this will was therefore consigned in writing, that when our testator was gone from us we might not doubt concerning His legacies and His commandments. The same is by Nicephorus[u] particularly affirmed of S. Paul, *Quæ præsens oratione sua dilucide docuerat, eadem per compendium absens in memoriam revocans per epistolas dedit:* 'the things which he plainly and explicitly preached, he being absent, to recall into their memory what he had delivered, set them down in his epistles as in a summary.' And S. Peter having (as appears in his epistle) promised to do something to put them in mind after his decease (meaning to remind them of the doctrine delivered) caused S. Mark to write his gospel.

§ 12. Thus I have sufficiently demonstrated the rule so far as this topic can extend; that is, by matter of fact, and the doctrine of the church. For if tradition be regardable, then that the scriptures are a sufficient and a perfect rule of faith and manners is competently proved by that which our adversaries in this question pretend to regard: but if tradition be not considerable, then the scriptures alone are; and there is indeed no tradition so clear, so regular, so unreprovable as those which are concerning scripture. That these books are scripture, that is, the written word of God, and that the written word of God is all that we have of God's will, is universally delivered by the Christian, and of that which of late is questioned I have given a specimen, for if the concurrent testimony of so many fathers cannot persuade this article, then the topic of tradition will be wholly useless in all questions; but if they can, as indeed they ought in this question, then we are fixed upon this great rule of conscience; the holy scriptures are the great rule of conscience both in doctrines of faith and in doctrines of manners.

§ 13. The next enquiry is what use there is of traditions, and if they cannot be a part of the rule, what aids do they bring to the conscience in faith or manners.

§ 14. 1) To this I answer, that tradition is of great use for the conveying of this great rule of conscience, the holy scriptures of the Old and New testament. For when I affirm that the holy scriptures are a perfect rule of faith and manners, that is, that they contain all the word of God; it is to be understood, that it is a rule, a perfect rule to them who believe them to be the word of God. For the question is not whether the scriptures be a rule, but whether they be a perfect rule; not whether they be the word of God, but whether they be all the word of God that is of necessity to be preached to the

[u] Lib. ii. hist. [cap. 34.]

church. So that the traditions concerning scripture itself being extrinsical to scripture, are also extrinsical to the question: and supposing that tradition were the only instrument of conveying scripture to us; yet that tradition must not, cannot possibly be any part of the question, for scripture must be supposed as delivered to us and accepted for the word of God, before we can enquire whether this scripture so delivered be all the word of God or no. And indeed tradition of scripture is the hand that reaches forth this repository of the divine word, but itself is not directly any part of it; it ministers to the will of God, but is no part of the matter of it: and therefore the common pretence for the necessity of tradition besides scripture (because by universal tradition we understand these to be the books of scripture) will come to nothing, because the question of the plenitude of scripture is after the admission of that tradition which reports scripture to us to be the word of God: but it matters not how or why we believe it, whether by universal or particular tradition, whether because my priest tells me so or my father, whether I am brought into it by reason or by education, by demonstrative or by probable inducements: if it be believed heartily it is sufficient; and then it is that we affirm the scriptures so believed to be the word of God, to be a perfect rule of all that we are to think or speak or do in order to salvation.

§ 15. 2) Besides this, to enquire of what use traditions are, is to no purpose for us, for there is no tradition of any doctrine of faith or rule of life but what is in scripture; but if there were, traditions would be of the same use as scripture is, if the tradition were from Christ and His apostles, and were as certain, as universal, as credible as that is by which we are told that scripture is the word of God. For the word which is now written was first delivered, that which is now scripture was at first tradition; and because it was afterwards called so, it hath been made use of by these persons, who, knowing that the change of words in descending ages is least discerned by mankind, and that from words which are fewer than things most advantages can be made by them who love every thing better than truth, have pretended every saying of the scripture and fathers, in which tradition is used, to be a competent argument of the imperfection of scripture, and of the necessity of a supply to be made by tradition.

§ 16. Παράδοσις, 'tradition,' is any way of communicating the notice of a thing to us: Παρέδωκα ὑμῖν ὅτι Χριστὸς ἀπέθανεν ὑπὲρ τῶν ἁμαρτιῶν ἡμῶν, 'I have delivered to you that Christ died for our sins.' But this tradition is also in scripture: so S. Paul[x] adds that Christ died for our sins, κατὰ τὰς γραφὰς, 'according to the scriptures;' and he commands the Thessalonians to 'preserve the traditions which they had learned from his mouth or from his hand, from his preaching or his writings:' and this use of the word con-

[x] [1 Cor. xv. 3.]

tinued in the church for divers ages, even till all traditions that were not in scripture were lost, or made uncertain. *Si ergo aut in evangelio præcipitur, aut in apostolorum epistolis aut actibus continetur . . observetur divina hæc et sancta traditio,* so S. Cyprian[y]: 'if this be commanded in the gospel, or be contained in the epistles or acts of the apostles, let this divine and holy tradition be observed.' Such was that which S. Basil[z] calls παράδοσιν τοῦ βαπτίσματος, 'the tradition of baptism,' αὐτοῦ τοῦ Κυρίου ἐν τῇ παραδόσει τοῦ σωτηρίου βαπτίσματος παραδεδωκότος τὴν τάξιν, 'our Lord himself having delivered or given the order in the tradition of baptism.' And S. Irenæus[a] calls it a tradition apostolical, *Christum accepisse calicem, et dixisse sanguinem suum esse, &c.,* 'that Christ took the cup, and said it was His blood;' and[b] that 'the barbarians did diligently keep the tradition,' *credentes in unum Deum et in Christum qui natus est ex virgine,* 'believing in one God and in Christ who was born of a virgin.' Such traditions as these the whole church had before the consignation of scripture-canon, and she retained them better by help of the scriptures. Tradition is a giving or delivering of it; and so long as it is a tradition of God, it is well enough: but if it comes to be 'your traditions,' there is in them nothing of divinity, nothing of that authority which is to prescribe in faith and holiness. So that in short the thing is this;

If God by His Son or by His apostles, or any way else, hath taught His church, there is no disputing of it; let it be made appear that it is a tradition of God, whether written or unwritten, it matters not. If it cannot be made to appear, then *idem est non esse et non apparere,* it is not obliging to us: we cannot follow the light of a candle that is hid in a dark lantern, or thrust into a bushel. But that there is nothing of faith and manners which the church of God ever did hold necessary, or ought to have held necessary, but what is in the scriptures, I have already largely proved, and shall in the consequents illustrate with other collateral lights.

§ 17. In the mean time it ought to be known that in the first ages of the church the fathers disputing with heretics did oftentimes urge against them the constant and universal tradition of the church; and it was for these reasons.

1) Because the heretics denied the scriptures: so did the Manichees reject the four gospels; Ebion received only S. Matthew's gospel, Cerinthus only S. Mark, Marcion only S. Luke, and not all of that, Valentinus none but S. John, but the *Alogi* received all but that; Cerdo, Cerinthus, Tatianus and Manichæus rejected the Acts of the apostles, the Ebionites all S. Paul's epistles; the church of Rome for a long time rejected the epistle to the Hebrews, so did Marcion; others also refused to admit the epistles of S. James and

[y] Epist. lxxiv. ad Pompei. [p. 211.]
[z] Lib. iii. contra Eunom. [tom. i. p. 273 D.]
[a] [lib. iv. cap. 17. p. 249.]
[b] Lib. iii. cap. 4. [p. 178.]

S. Jude, the second of S. Peter, the second and third of S. John, as we learn from Eusebius[c] and S. Hierome[d]. Now to such men as these, and in all the interval till the whole canon was consigned and accepted, it was of great use to allege tradition, especially because the doctrine of the scriptures was entirely and holily preached in all the apostolical churches, and by the known and universally preached doctrines they could very well refute the blasphemies of wicked and heretical persons. But in all this here is no objection, for all this tradition was nothing else but the doctrine of the holy scriptures.

§ 18. 2) The heretics did rely upon this topic for advantage, and would be tried by tradition, as hoping because there were in several churches contrary customs, there might be differing doctrines, or they might plausibly be pretended; and therefore the fathers had reason to urge tradition, and to wrest it from their hands, who would fain have used it ill. Thus did the Carpocratians in Irenæus[e], 'When they are reproved from scripture they accuse the scriptures, as if they were not right, as if they had no authority, as if from them truth could not be found by them that know not tradition:' for they affirm that[f] 'Jesus spake some things in mystery to His disciples apart, and that they required that they might deliver them to the worthy, and to them that would assent to them.' Upon this pretence Artemon exposed his errors, saith Eusebius[g], and Papias introduced the millenary heresy; and by tradition the Arians would be tried, and S. Basil[h] was by them challenged in an appeal πρὸς τὴν συνήθειαν, 'to custom' or tradition, and by this Eunomius did suppose he had prevailed; and S. Austin[i] affirms that all the most foolish heretics pretend for their most senseless figments those words of our blessed Saviour, "I have yet many things to say unto you, but ye cannot hear them now." And to this purpose was that which the Basilidians did affirm, that the mysteries of their sect were no things of public notice, but conveyed in secret. Now to such as these there were but two ways of confutation: one was, which they most insisted upon, that the holy scriptures were a perfect rule of faith and manners, and that there was no need of any other tradition; the other, that the traditions which they pretended were false, and that the contrary was the doctrine which all the churches of God did preach always. Now thus far tradition was useful to be pleaded; that is, though the heretics would not admit the doctrine of christianity as it was consigned in scripture, yet they might be convinced that this was the doctrine of christianity because it was also preached by all bishops and confessed by all churches. But in all these contests the

[c] Lib. iii. hist. [cap. 25.]
[d] Lib. de viris illustr. [al. catal. script. eccles., tom. iv. part. 2. coll. 101, 2, 5.]
[e] Lib. iii. cap. 2. [p. 174.]
[f] Lib. i. cap. 24. [al. 25. p. 104.]
[g] Hist. eccles., lib. v. [cap. 28.]
[h] S. Basil., lib. ii. contr. Eunom. [tom. i. p. 260 C.]
[i] Tract. xcvii. in Joann. [tom. iii. part. 2. col. 737.]

fathers did not pretend to prove by tradition what they could not prove by scripture; but the same things were preached which were written, and no other articles of faith, no other rules and measures of good life: only because they did not consent in the authority of one instrument, they ought to be convinced by the other.

§ 19. 3) There is yet one use more of traditions, but it is in rituals, and in such instances concerning which S. Paul wrote to the Corinthians[k] these words, "The rest will I set in order when I come." Such are, *α*) the observation of the Lord's day solemnly once a year, and less solemnly once a week, that is, the feast of Easter and the weekly sunday; *β*) the government of the church by bishops, which is consigned to us by a tradition greater than some books of scripture, and as great as that of the Lord's day: and that so notorious, that thunder is not more heard than this is seen in all the monuments of antiquity; *γ*) offices ecclesiastical to be said and done by ecclesiastical persons: such as are the public prayers of the church, the consecration of the blessed eucharist, the blessing of the married pairs and joining them in the holy and mysterious rite of marriage, the consecration of bishops by bishops only, and of priests by bishops and presbyters; though for this last there is not so universal tradition; that every where requiring the imposition of the bishop's hand, and but in some places requiring the assistance of the presbyters. These three are the most universal and apostolical traditions, which although they also have great grounds in scripture, yet because the universal practice and doctrine of the church of God in all ages and in all churches primitive is infinitely evident and notorious, less liable to exception, and an apt commentary upon the certain but less evident places of scripture; therefore these may be placed under the protection of universal tradition, for they really have it beyond all exception. And although in these the scripture is sufficient to all wise and good men, to all that are willing to learn and obey, and not desirous to make sects and noises; yet because all men are not wise and good and disinteressed, tradition in these things is to scripture as a burning glass to the sun; it receives its rays in a point, and unites their strength, and makes them burn as well as shine, that is, it makes them do that which in their own nature they are apt to do, and from doing which they are only hindered accidentally.

§ 20. By these instances it is evident that we ought not to refuse tradition when it is universal, nor yet believe that in any thing of great concernment, though it be but matter of rite and government, the scripture is defective; for in these things we admit tradition to be the commentary, but scripture to be the text: πάντα σύμφωνα ταῖς γραφαῖς, as Irenæus in Eusebius[l] expresses it, all must be 'agreeable to scripture.' And although a tradition so absolutely universal as these were a warranty greater than any objection can be against

[k] [1 Cor. xi. 34.] [l] Lib. v. cap. 20. [p. 239.]

them, and were to be admitted though they had not express authority in scripture, as all these have; yet that even these things also are in scripture, is a very great argument of the perfection of it.

§ 21. For all other things the scripture is abundant, and whatever else is to be used in the externals and appendages of religion, the authority of the church is a sufficient warranty, as I shall prove in its proper place. But if in these externals there be a tradition, according to the degree of its antiquity and universality, so it puts on degrees of reasonableness, and may be used by any age of the church: and if there be nothing supervening that alters the case, it is better than any thing that is new; if it be equally fit, it is not equally good, but much better.

§ 22. This is all the use which is by wise and good men made of traditions, and all the use which can justly be made by any man; and besides the premises this will be yet further apparent, that although there are some universal practices which ever were and still are in all churches, which are excellent significations of the meaning of these scriptures, where the practices are less clearly enjoined, yet there are no traditive doctrines distinct from what are consigned in scripture. And this I shall represent in the third particular which I promised to give account of, viz.

§ 23. That the topic of tradition, after the consignation of the canon of scripture, was not only of little use in any question of faith or manners, but falsely pretended for many things, and is unsafe in all questions of present concernment.

§ 24. In order to the proof of this, I divide the great heap of traditions, which are shovelled together by the church of Rome, into three little heaps:

1) Of things necessary or matters of faith,

2) Of things impertinent to the faith and unnecessary,

3) Of things false.

§ 25. 1) The traditions of things necessary are, the Trinity of persons, the consubstantiality of the eternal Son of God with His Father, the baptism of infants, the procession of the holy Ghost from the Son, and original sin, that the Father was not begotten, that the holy Ghost is God and to be invocated, that baptism is not to be reiterated, that in Christ there are two natures and one person. Now that these be appertaining to the faith I easily grant; but that the truth of these articles and so much of them as is certain or necessary is also in scripture, I appeal to all the books of the fathers and of all moderns who do assert them by testimonies from scripture. *Quicquid sciri vel prædicari oportet de incarnatione, de vera divinitate atque humanitate filii Dei, duobus ita continetur testamentis, ut extra hæc nihil sit quod annunciari debeat aut credi,* said Rupertus Abbas, as I before quoted him[m]. All the mysteries of Christ's nature

[m] [p. 610 above.]

and person, of His humanity and divinity, are clearly set down in both testaments. But they are not clearly reported in tradition, the fathers having sometimes spoken in these articles more in the Arian than in the catholic style, say Hosius[n], Gordon Huntly[o], Gretser, Tanner[p], Perron[q], and Fisher[r]. By scriptures therefore the church confuted the Arians, the Eutychians, the Nestorians, the Monothelites, the Photinians and the Sabellians. The other articles are also evidently in the words of scripture or in the first consequences and deductions[s]. And when we observe the men of the church of Rome going about with great pretensions to confirm all their articles by scriptures, they plainly invalidate all pretence of necessity of traditions. If they say that all the articles of Trent are not to be found in scripture, let them confess it plainly, and then go look out for proselytes. If they say there are scriptures for all their articles, then scripture is sufficient, or else their faith is not. For all these I before reckoned, it is certain both they and we have from scripture many proofs, and if there were not, I believe tradition would fail us very much; for the heresies which oppugned them were very early, and they also had customs and pretences of customs to prescribe for their false doctrines; as I shall make appear in the following periods.

§ 26. 2) There are also traditions pretended of things which are not necessary, such as are the fast of Lent, godfathers and godmothers in baptism, the mixture of wine and water in the eucharistical chalice, the keeping of Easter upon the first day of the week, trine immersion in baptism, the apostles' creed, prayer for the dead, the wednesday and the friday fast, unction of sick people, canon of the scripture, the forms of sacraments, and the perpetual virginity of the virgin Mary. Now that these are not divine traditions nor apostolical appears by the destitution of their proper proof. They are ecclesiastical traditions and of several ages, and some of them of very great antiquity; but of what obligation they are I shall account in the chapter of 'laws ecclesiastical.' In the mean time they neither are of the necessity of faith, or the essential duty of christian religion; and therefore as a Christian can go to heaven without the observation of them in certain circumstances, so is the scripture a perfect canon without giving rules concerning them at all.

[n] De author. s. script., lib. iii. p. 53. [tom. i. p. 543. ed. fol. Col. Agr. 1584.]

[o] Tom. i. contr. 1. de verbo Dei, cap. 19. [cap. 28. p. 105 sqq. ed. 8vo. Col. Agr. 1620.]

[p] In colloq. Ratisbon. [passim, e. g. sess. xiv. fol. 155 sqq. ed. 4to. Monach. 1602.]

[q] Lib. iii. cap. 3. contre le roi Jacques, [?] et lib. ii. cap. 7. de euchar. contr. Du Plessis. [p. 219. ed. fol. Par. 1622.] et cap. 5. observ. 4. ['Replique,' &c. p. 729.]

[r] Resp. ad quæst. 9 Jacobi regis. [p. 106. fin. ed. 4to. 1625.] Epiphan. hæres. lxix. [vol. i. p. 727 sqq.]

[s] S. Ambros., lib. i. cap. 5. de fide contra Arianos. [tom. ii. col. 450.] S. Aug. tract. xcvii. in Joann. [tom. iii. part. 2. col. 738.] et epist. clxxiv. [al. ccxxxviii. tom. ii. col. 857.] et clxxviii. [al. xx. append. col. 41 sqq.] S. Athanas. in libell. de decret. synod. Nicæn. [tom. i. p. 219 A.] Tertull. adv. Praxeam. [cap. 4 sqq. p. 502 sqq.] Theodoret., dial. ii. [tom. iv. p. 113.] Salmero, disp. iv. in 2 ad Timoth. [cap. iii. tom. xv. p. 666, 7.]

§ 27. 3) But then as for others, there are indeed a great many pretended to be traditions, but they are false articles, or wicked practices, or uncertain sentences at the best. I reckon some of those which the Roman church obtrudes: such as are invocation of saints and angels, adoration of them, and worshipping of images, the doctrine of purgatory, prayer in the unknown tongue, the pope's power to depose kings, and to absolve from lawful and rate oaths, the picturing of God the Father and the holy Trinity, the half communion, the doctrine and practice of indulgences, canon of the mass, the doctrine of proper sacrifice in the mass, monastical profession, the single life of priests and bishops. Now these are so far from being apostolical traditions, that they are some of them apparently false, some of them expressly against scripture, and others confessedly new, and either but of yesterday, or, like the issues of the people, born where and when no man can tell. Concerning indulgences, Antonius the famous archbishop of Florence [t] says that we have nothing expressly recited in holy scripture, nor are they found at all in the writings of the ancient doctors. The half-communion is by the council of Constance [u] affirmed to be different from the institution of Christ and the practice of the primitive church. Concerning invocation of saints, *cum scriberentur scripturæ nondum cœperat usus vovendi sanctis:* Bellarmine [v] confesses that 'in the age in which the scriptures were written the use of making vows to saints was not begun;' and cardinal Perron [x] excludes the next ages from having any hand in the invocation of them. *Et quant aux autheurs plus proches du siecle apostolique, encore qu'il ne s'y trouve pas des vestiges de ceste coustume, &c.:* 'in the authors more near the apostolical age no footsteps of this custom can be found.'

§ 28. Concerning making an image of the Father or of the holy Trinity, Baronius cites an epistle of Gregory the second, *An. Dom.* DCCXXVI, in which he gives a reason why the church did not make any picture of the Father; which forces him to confess that the beginning of the custom of painting the Father and the holy Ghost *postea usu venit in ecclesia,* 'came into use afterward in the church.'

The doctrine of purgatory is not only expressly against scripture, saying, "Blessed are the dead which die in the Lord, even so saith the Spirit, that they rest from their labours [y];" but it is also certain that it was not so ancient as the canon of the Roman mass, the age of which no man can tell any more than they can tell the age of a flock of sheep, or a company of men and children together; for one

[t] Summa theol., p. i. tit. 10. c. 3. de indulg. [fol. 202. Venet. 1582.] Vide etiam Cajetan., cap. 2. de indulgent. [fol. 46. ed. fol. Ven. 1594.] Navar. comment. de jubil. et indulgent. [§ vii. p. 14. ed. 4to. Rom. 1585.] Biel, lect. 57. in can. missæ. [fol. 136 sqq.]

[u] [Sess. xiii. tom. viii. col. 381:—compare 'Dissuasive from popery,' vol. vi. p. 208.]

[v] De cultu sanctorum, lib. iii. cap. 9. § 'Præterea.' [tom. ii. col. 1090.]

[x] Contre le roi de la Grande Bretagne. [lib. v. cap. 19. p. 1009.]

[y] [Rev. xiv. 13.]

piece is old, and another is late, and another of a middle age. But the prayer which in the canon is for the dead supposes that they are not in purgatory, but prays for them which are asleep in rest and quietness.

§ 29. I shall not instance in any more, because I shall in other places meet with the rest: but these are a sufficient indication how the church hath been abused by the pretence of tradition, and that a bold man may in private confidently tell his parishioner that any doctrine is a tradition; and he is the more likely to prevail because he cannot be confuted by his undiscerning hearer, since so great parts and so many ages of the church have been told of things that they were traditions apostolical, when the articles themselves are neither old nor true. Is it imaginable by a man of ordinary understanding, or that hath heard any thing of antiquity, that the apostles should command their followers to worship the relics of S. James or S. Stephen; or that S. Peter did ever give leave to a man that had sworn to go from his oath, and not to do what he had sworn he would? Is it likely that S. Peter or S. Paul should leave secret instructions with S. Clement or S. Linus that they might depose kings lawfully when it was in their power, and when kings did disagree in opinion from them? Is there any instance, or precept, or line, or doctrine, or history, that ever any apostle or apostolical man consecrated the holy communion where there was none to communicate? It was never heard that a communion could be single till the catholic church came to signify the Roman; and yet if scripture will not prove these things tradition must. The experience and the infinite unreasonableness of these things does sufficiently give a man warning of attending to such new traditions, or admitting the topic in any new dispute, it having been so old a cheat: and after the canon of scripture was full, and after that almost the whole church had been abused by the tradition of Papias in the millenary opinion, which for three hundred years of the best and first antiquity prevailed, all the world should be wiser than to rely upon that which might introduce an error, but which truth could never need, it being abundantly provided for in scripture.

§ 30. Sometimes men have been wiser, and when a tradition apostolical hath been confidently pretended, they would as confidently lay it aside when it was not in scripture. Clemens Alexandrinus reckons many traditions apostolical, but no man regards them. Who believes that the Greeks were saved by their philosophy, or that the apostles preached to dead infidels, and then raised them to life, although these were by S. Clement affirmed to have been traditions apostolical[x]? Did the world ever the more believe that a council might not be called but by the authority and sentence of the bishop of Rome, though Marcellus[y] was so bold to say it was a canon apostolical? And after S. Hierome[z] had said these words, *præcepta*

[x] [See vol. v. p. 437.] [y] [Epist. lii. tom. iv. part. 2. col. 579.]

majorum apostolicas traditiones quisque existimat, 'that what their fathers commanded, all men were wont to call them traditions apostolical,' no man had reason to rely upon any thing which by any one or two or three of the fathers was called tradition apostolical, unless the thing itself were also notorious or proved by some other evidence. But this topic of tradition is infinitely uncertain, and therefore if it be pretended new, it can be of no use in any of our questions. For if in the primitive church tradition was claimed by the opposite parties of a question, who can be sure of it now? Artemon pretended it to be an apostolical tradition that Christ was ψιλὸς ἄνθρωπος, 'a mere man,' and the Nicene fathers proved it was not so, but much rather the contrary: but that topic would not prevail for either side. In the question of rebaptization of persons baptized by heretics both sides pretended tradition; so they did in that impertinent, but (as they then made it) great question of the time of keeping Easter. Clemens Alexandrinus[b] said it was an apostolical tradition that Christ preached but one year; but Irenæus[c] said it was an apostolical tradition that Christ was about fifty years old when He died, and consequently that He preached almost twenty years. But if they who were almost at the fountain were uncertain of the river's head; how shall we know it who dwell where the waters are ready to unbosom themselves into the ocean? And to pretend an apostolical tradition in matters of faith, now that the books of the fathers have been lost, and yet there are a very great many to be read for the proving of tradition, that is, that there are too many and too few, that in the loss of some of them possibly we have lost that light which would have confuted the present pretences of tradition, and the remaining part have passed through the limbecs and strainers of heretics and monks and ignorants and interested persons, and have passed through the corrections and deturpations and mistakes of transcribers, (a trade of men who wrote books that they might eat bread, not to promote a truth,) and that they have been disordered by zeal and faction and expurgatory *indices,* and that men have been diligent to make the fathers seem of their side, and that heretics have taken the fathers' names and published books under false titles, and therefore have stamped and stained the current; is just as if a Tartar should offer to prove himself to have descended from the family of king David, upon pretence that the Jews mingled with their nation, and that they did use to be great keepers of their genealogies.

§ 31. But after all this, the question of tradition is wholly useless in the questions between the church of Rome and the other parts of christendom. Not only because there are many churches of differing rites and differing doctrines from the Roman, who yet pretend a succession and tradition of their customs and doctrines *per tempus immemoriale,* they know not when they began, and for aught they

[b] Strom., lib. i. [cap. 21. p. 407.] [c] Lib. ii. cap. 39. [al. 22. p. 148.]

know they came from the apostles, and they are willing to believe it, and no man amongst them questions it, and all affirm it; particularly the Greek church, the Russians, the Abyssines: but also because those articles which they dispute with the other churches of the west cannot be proved by tradition universal, as infinitely appears in those pitiful endeavours and attempts which they use to persuade them to be such; which if they did not sometimes confute themselves, the reader may find confuted every where by their learned adversaries.

§ 32. Therefore although the perfection of scripture be abundantly proved, yet if it were not, tradition will but make it less certain, and therefore not more perfect. For besides that nuncupative records are like diagrams in sand and figures efformed in air, volatile and soon disordered, and that by the words and practice of God, and all the world, what is intended to last was therefore written, as appears in very many places in scripture[d]; and therefore Job calls out, "O that my words were now written, O that they were printed in a book, that they were engraven with an iron pen and lead in the rock for ever;" upon which words the Greek *catena* says, 'He draws a similitude from them who put those things in writing which they very greatly desire should remain to the longest posterity,' and that the very nature of things is such that a tradition is infinitely better preserved in writing than in speaking; and besides all those very many weak and uncertain and false traditions with which several men, and several ages, and several churches have abused others, or been abused themselves, I instance in two great things, by the one of which we may see how easily the church may be imposed upon in the matter of tradition; and by the other, how easily those men impose upon themselves whose faith hath a temporal bias and divertisement.

§ 33. The first is, that very many epistles of popes, viz., from S. Clement to S. Gregory, that is, for above five hundred years, were imposed upon the church as the genuine writings of those excellent men who governed the church of Rome in all her persecutions and hardnesses; and of these epistles the present church of Rome makes very great use to many purposes, and yet no imposture could be greater than this.

§ 34. For 1) they are patched up of several arguments and materials not at all agreeing with the ages in which they were pretended to be written, but are snatched from the writings of other men and latter times. 2) They were invented after S. Hierome's time, as appears in the citation of the testimonies of scripture from S. Hierome's translation, and the author cited S. Hierome's version of the Hebrew psalter. 3) They were not known in Rome for eight ages together, which were a strange thing, that the records of Rome should have no copies of the epistles of so many of the bishops of Rome. 4) They are infinitely false in their chronology, and he that

[d] [Exod. xvii. 14, xxxiv. 27; Job xix. 23, 4; Psalm cii. 18; Isa. xxx. 8; Jer. xxx. 2; Rev. i. 11, 19, xxi. 5.]

invented them put the years of false consuls[e] to their date, as Baronius himself confesses, quite reckoning otherwise, and in the epistles of the whole five and forty the decrees of councils and the words of ecclesiastical writers are cited, who yet were not at all in their ages, but wrote after the death of those popes who are pretended to have quoted them, or something is said that could not be done or said by them or in their times. 5) They are written with the same style; and therefore it is no more probable that they should be the genuine epistles of so many popes than that so many men in several ages should have the same features in their faces: but these epistles say over the same things several times, even unto tediousness, and yet use the very same words without any differing expressions. 6) And sometimes these words were most intolerably barbarous, neither elegantly fine nor elegantly plain, but solecisms, impure words, and the most rude expressions, not unlike the friars' Latin or the *epistolæ obscurorum virorum*. 7) None of the ancient writers of the church did ever cite any testimony from these epistles for eight hundred years together, only one part of one of the epistles of S. Clement was mentioned by Ruffinus and the council of Vase. 8) None of those who wrote histories ecclesiastical, or of the church-writers, made mention of them; but all that do were above eight hundred and thirty years after the incarnation of our blessed Lord. 9) And all this beside the innumerable errors in the matter which have been observed by the centuriators of Magdeburg, David Blondel, and divers others. And a more notorious cheat could never have been imposed upon the world; but that there are so many great notorieties of falsehood that it is hard to say which is greater, the falsehood of the Pontifical book or the boldness of the compiler. Now if so great a heap of records can at once be clapped upon the credulity of men, and so boldly defended as it is by Turrian and Binius, and so greedily entertained as it is by the Roman confidents, and so often cited as it is by the Roman doctors, and yet have in it so many strange matters, so disagreeing to scripture, so weak, so impertinent, and sometimes so dangerous; there is very great reason to reject the topic of traditions, which can be so easily forged, and sometimes rely upon no greater foundation than this, whose foundation is in water and sand, and falsehood that is more unstable.

§ 35. The other thing is, that heretics and evil persons, to serve their ends, did not only pretend things spoken by the apostles and apostolical and primitive men, (for that was easy,) but even pretended certain books to be written by them, that under their venerable names they might recommend and advance their own heretical opinions. Thus some false apostles (as Origen relates) wrote an epistle and sent it to the church of Thessalonica under S. Paul's name, which much troubled the Thessalonians, and concerning which, when S. Paul had discovered the imposture, he gives them warning that they

[e] ['counsels' B.—'councils' C, D.]

should not be troubled about any such epistle, as if he had sent it. Thus there was a book published by an Asian priest under S. Paul's name (as S. Hierome reports) containing the vision of Paul and Tecla, and I know not what old tale of the baptizing Leo. Some or other made S. Clement an Eunomian, and Dionysius of Alexandria an Arian, and Origen to be every thing, by interpolating their books, or writing books for them. Ruffinus tells that the heretics endeavoured to corrupt the gospels: and that they did invent strange acts of the apostles, and make fine tales of their life and death, we need no better testimony than Tertullian's instances in his books against Marcion: and for this reason Origen[e] gives caution, *Oportet caute considerare, ut nec omnia secreta quæ feruntur nomine sanctorum suscipiamus;* 'we must warily consider, and not receive all those secret traditions which go up and down under the names of saints,' viz., of the holy apostles. And of the same nature is that famous cheat that usurps the name of Dionysius the Areopagite, called the Passion of Peter and Paul, as who please may see in Laurentius Valla and Erasmus. And such is the book of the same passions attributed to Linus, which was invented so foolishly and carelessly that it contradicts the scriptures most apparently; as every one that reads it may without difficulty observe. Now the observation from these things is plain: in the matter of traditions as they are now represented there is so much of human failings, and so little of divine certainty, they are often falsely pretended, and never truly proved, and if they should need to be proved, were therefore not to be accepted; because no particular proofs can make them universal, and if they be not universal, of themselves they cannot be credible, but need something else to make them so; they are (whether true or false) so absolutely now to no purpose, because it is too late to prove them now, and too late to need them, the church having so long accepted and relied upon the canon of scripture, that we are plainly, and certainly, and necessarily devolved upon scripture for the canon of our faith and lives. For though no man ought to reject tradition if he did need it, and if he could have it, yet because he neither can want it (because scripture is a perfect rule) nor can have it (because it cannot in any of our questions be proved) we must rely upon what we have. It is in the matter of traditions as in the epistle of S. Paul to Laodicea: if this or those were extant and sufficiently transmitted and consigned to us, they would make up the canon as well as those we have; but there is no such thing as the Laodicean epistle, and there is no such thing as tradition of doctrines of faith not contained in scriptures. The fathers that had them, or thought they had them, might call upon their churches to make use of them; but we that cannot have them must use what we have; and we have reason to give thanks to God that we have all that God intended to be our rule. God gave us in scripture all

[e] Homil. xxvi. in Matt. [tom. iii. p. 848.]

that was necessary, it was a perfect rule; and yet if it had not, it must become so when we have no other.

§ 36. But upon the matter of this argument, there are three questions to be considered in order to faith and conscience.

I. Whether there be not any rules and general measures of discerning tradition, by which although tradition cannot be proved the natural way, that is, by its own light, evidence of fact and notoriety, yet we may be reasonably induced to believe that any particular is descended from tradition apostolical, and consequently is to be taken in, to integrate the rule of conscience?

II. How far a negative argument from scripture is valid and obligatory to conscience?

III. Whether there may be any new articles of faith, or that the creed of the church may so increase that what is sufficient to salvation in one age cannot serve in another?

I. The first question is concerning the indirect ways of discerning tradition.

§ 37. In vain it is to dispute whether traditions are to integrate the canon of scripture, when it cannot be made to appear that there are any such things as apostolical traditions of doctrines not contained in scripture. For since the succession in all the chairs hath been either interrupted or disordered by wars or heresies, by interest or time, by design or by ignorance, by carelessness or inconsideration, by forgetfulness or unavoidable mistake, by having no necessity of tradition, and by not delivering any; it is in vain to dispute concerning the stability of atoms, which as of themselves they are volatile and unfixed, so they have no basis but the light air: and so are traditions; themselves are no argument, and there are no traditions; they are no necessary or competent stabiliment of doctrine or manners, or if they were, themselves have no stabiliment.

§ 38. For it is certain there can be no tradition received for apostolical at a less rate than the rule of Vincentius Lirinensis. For to prove by scripture that there are any traditions not written in scripture is a trifling folly; since there might be necessity of keeping traditions before all that which is necessary was set down in writing. So that all the pretensions taken from scripture in behalf of traditions are absolutely to no purpose, unless it were there said, there are some things which we now preach to you which shall never be written; keep them: but the naming of traditions in some books of scripture, and the recommending them in others, is no argument to us to enquire after them, or to rely upon them; unless that which was delivered by sermon was never to be delivered by writing, and that we knew it as certainly as that which is. And the same is to be said of the sayings of fathers who recommend traditions: for although the argument lessened every year, yet it was better then than

it can be now; it could serve some uses then, it can serve none now; it might in some instances be certain, and safe in many, but now it cannot be either, neither certain, nor safe, nor necessary, nor of any use at all: which having made to appear in the preceding numbers, it must follow that there can be no doctrinal traditions besides the matters of scripture; because there are none such recommended to the church by the measures of Vincentius Lirinensis. There is no doctrine, no rule of faith or manners, which is not in the holy scriptures, and yet which was 'believed always, and in all churches, and of all men in those churches.' For although it is very probable that Vincentius by this rule intended to reprove the novelties and unusual doctrines which S. Austin by his great wit and great reputation had brought into the church, contrary to the sentiments and doctrines of the fathers which were before him; yet it will perfectly serve to reprove all our late pretensions to traditions. For by this measure we find it not to be enough that a doctrine hath been received for a thousand years together by the catholic church, reckoning from this period upwards; unless it were also received by the apostolical ages and churches throughout the world, it is nothing: and if it were received by all the apostolical churches, and all good and wise men in those churches, and so downwards; wherever any church failed it was to their own prejudice, not to the prejudice of the doctrine; for that was apostolical which was from the beginning, and whatsoever came after could not change what was so before; and the interruption of an apostolical truth, though for a thousand years together, cannot annul the obligation, or introduce the contrary. So that if we begin to account by this rule of Vincentius and go backwards, it is nothing unless we go back as far as to the apostles inclusively; but if we begin there, and make that clear, it matters not how little a way it descends: and therefore although it is an excellent rule to reprove vain and novel pretensions, yet there is nothing to be proved by it practicably; for we need not walk along the banks and intrigues of Volga, if we can at first point to the fountain, it is that whither the long progression did intend to lead us. If any thing fails in the principle it is good for nothing; but if the tradition derive from the fountain, and the head be visible, though afterwards it ran under ground, it is well enough. For if a doctrine might invade the whole church which was not preached by the apostles, or if the doctrine might to many good and wise persons seem to have possessed the whole church, that is, to be believed by all those that he knows, or hears of, or converses with, and yet not have been the doctrine of the apostles; it is certain that this universality, and any less than that which takes in the apostles, can never be sufficient warranty for an article of faith or a rule of life, that is, the instance and obligation of a duty necessary to salvation. But how shall we know concerning any doctrine, whether it be a tradition apostolical? Here the rule of Vincentius comes in. If it can be made to appear that all churches

and all men did from the apostles' times down to the time of enquiry accept it as true, and report it from the apostles, then it is to be so received and continued. Indeed a less series and succession will serve: for if we can be made sure that the age next to the apostles did universally receive it as from the apostles, then we may not reject it. But what can make faith in this? Certainly nothing; for there is no doctrine so delivered but what is in scripture. Indeed some practices and rituals are, because the public exercise and usages of the church being united and notorious, public and acted, might make the rite evident as light; but in doctrines (besides scriptures) we have not records enough to do it: and therefore this general rule of Vincentius not being practicable, and the other lesser rules or conjectures rather being incompetent, *μένωμεν ὥσπερ ἐσμὲν*, we must 'remain as we are,' and give God thanks for the treasures of holy scripture, and rejoice and walk in the light of it.

§ 39. But let us try a little.

(1) The first rule which is usually given is this, 'That which the catholic church believes as an article of faith, which is not found in scriptures, is to be believed to descend from apostolical tradition.'—This rule is false and insufficient upon many accounts.

1) For if the church can err, then this rule can have no firmament or foundation. If she cannot err, then there is no need either of scriptures or tradition; and there is no use of any other argument to prove the truth of an article or the divinity of a truth, but the present belief and affirmation of the church, for that is sufficient whether it be written or not written, whether it be delivered or not.—But

2) Supposing the church could not err in matters of faith, yet no man says but she may err in matter of fact: but whether this thing was delivered by the apostles is matter of fact; and therefore though the church were assisted so that she could not mistake her article, yet she may mistake her argument and instrument of probation: the conclusion may be true, and yet the premises false; and she might be taught by the Spirit, and not by the apostles.

3) No man now knows what the catholic church does believe in any question of controversy; for the catholic church is not to be spoken with, and being divided by seas, and nations, and interests, and fears, and tyrants, and poverty, and innumerable accidents, does not declare her mind by any common instrument, and agrees in nothing but in the apostles' creed, and the books of scripture; and millions of Christians hear nothing of our controversies, and if they did, would not understand some of them.

4) There are thousands that do believe such an article to be taught by the catholic church, and yet the catholic church with them is nothing but their own party; for all that believe otherwise they are pleased to call heretics. So that this rule may serve every party that is great, and every party that is little, if they will add pride and contumacy to their article: and what would this rule have signified amongst the Donatists, to whom all the world was heretic but them-

selves? and what would it signify amongst those peevish little sects that damn all the world but their own congregations? even as little as it can to the church of Rome, who are resolved to call no church catholic but their own.

5) The believing of such an article of faith could not be indication of a true catholic, that is, of a true member of the catholic church; because if the article is to be proved to be apostolical by the present belief of the catholic church, either the catholic church is the whole christian church, and then we can never tell what she believes in a particular question (and indeed she believes nothing in the question, because if it be a question, the catholic church is divided in her sense of it;) or else the catholic church is some body or church of Christians separate from the rest, and then she must by other means be first known that she is the catholic church, before we can accept her belief to be an argument that the article is an apostolical tradition. Add to this, that the church's believing it, is not, cannot be an argument that the doctrine is apostolical; but on the contrary, it ought to be proved to be apostolical before it is to be admitted by the churches. And if it be answered, that so it was to those churches who admitted it first, but to us it ought to be sufficient that the church received it, and we ought therefore to conclude it to be apostolical: I reply, that it is well if it was first proved to the church to be apostolical; but then if the primitive church would not receive the doctrine without such evidence, it is a sign that this was the right way of proceeding, and therefore so it ought to be with us; they would not receive any doctrine unless it were proved to come from the apostles, and why should we? and to say that because they received it, we ought to suppose it to have been apostolical, I say that is to beg the question: for when we make a question whether the church did well to receive this doctrine, we mean whether they did receive it from the apostles or no. And therefore to argue from their receiving it that it was apostolical, is to answer my question by telling me that I ought to suppose that, and to make no question of it. But if this rule should prevail, we must believe things which even to affirm were impudent. The church of Rome, calling herself the catholic church, affirms it to be heresy to say that it is necessary to give the communion under both kinds to the laity: but he that will from hence, though he believe that church to be the catholic, conclude that doctrine to be the apostolic, must have a great ignorance or too great a confidence. Nay, this rule is in nothing more apparently confuted than in this instance; for the canon in the council of Constance which establishes this for catholic doctrine, by confessing it was otherwise instituted by Christ, and otherwise practised at the beginning, confesses it not to be apostolic. So that upon this account it is obvious to conclude that either the universal church can err, or else the same thing can come and cannot come from tradition apostolical. For the half-communion is nowhere commanded in scripture: therefore either the ancient catholic church did err in

commanding the whole communion, or the modern catholic church (I mean the Roman, which pretends to the name) does err in forbidding it: or else, if neither does err, then the communion under both kinds did come and did not come from tradition apostolical.—But

6) Suppose it were agreed that one congregation is the catholic church, and resolved upon which is that congregation, yet if it be but a part of Christians, and that interested, it is not in the nature of the thing to infer, that because this interested divided part believes it, therefore the apostles taught it: this consequent is not in the bowels of that antecedent, it cannot be proved by this argument. If it can be proved by revelation that what the present church believes was a tradition apostolical, let it be shewn, and there's an end of it; in the mean time this rule is not of itself certain, or fit to be the proof of what is uncertain, and therefore not a good rule, till it be proved by revelation.

7) It is evidently certain that what one age believes as a necessary doctrine, another age (I mean of the catholic church) did not believe for such; and it is not sufficient for the making of a catholic doctrine that it be *ubique*, believed 'every where,' unless it be also *semper et ab omnibus*, 'always and by all men.' I instance in the communicating of infants, which was the doctrine of S. Austin and of pope Innocentius, and prevailed in the church for six hundred years (says Maldonat the jesuit[f]), that it was necessary to the salvation of infants that they should receive the holy sacrament of the Lord's supper. Now it is also as certain that for six hundred years more, the church which calls herself catholic believed the contrary. Which of these can prove apostolical tradition? For if it be objected that this was not the doctrine of the catholic church in those ages in which the most eminent fathers did believe and practise it, besides that it is not probable that they would teach it to be necessary, and generally practise it in their churches, if the matter had been nothing but their own opinion, and disputed by others; I add this also, that it was as much the doctrine of the catholic church that it was necessary, as it is now that it is not necessary: for it is certain the holy fathers did believe and teach and practise it, and the contrary was not disputed; but now, though it be condemned by some, it is still practised by very great parts of the catholic church, even by all the Greek churches[g], and by those vast numbers of Christians in Ethiopia. So that although no doctrinal tradition is universally received but what is contained in scriptures; yet those that have been received as universally as any other matter of question is, have been and have not been believed by the church in several ages: and therefore if this rule be good, they must prove that the same doctrine was and was not a tradition apostolical.

[f] In cap. vi. Johan. n. 116. [col. 1486.]

[g] Vide Hierem. Patriar. C. P. doctr. et exhort. ad Germanos. [Apud acta et scripta theologorum Wirtemburgensium et patriarchæ Constantinopolitani D. Hieremiæ, respons. i. cap. 9. p. 89. ed. fol. Witeberg. 1584.]

8) This rule were good (and then indeed only) if there were no way to make an opinion to be universally received but by derivation from the apostles. But α) there are some which say every age hath new revelations: where this is believed, it is apparent an opinion which the apostles never heard of may be adopted into the faith and universally received. But besides this there are more ways of entry for a popular error than any man can reckon or any experience can observe. β) It is not impossible that some leading man be credulous and apt to be imposed upon by heretics and knaves; but when he hath weakly received it, it shall proceed strongly upon his authority: the matter of Papias about the doctrine of the Chiliasts is notorious in this particular. γ) It is also very possible that what is found at first to be good, shall be earnestly pressed by a zealous man, and he may over-express himself, and consider not to what consequence it may afterwards be extended; and then following ages may observe it, and make a logical conclusion from a rhetorical expression; and then what only good men had entertained when it was called useful, all men shall receive when it is called necessary; and it is no great progression from what all men believe good, that some men should believe necessary, and from them others, and from others all men: it was thus in many degrees in the matter of confession and penance. δ) It is not very unlikely, certainly it is no way impossible, but that the reputation of some great man in the church may prevail so far by our weaknesses and his own accidental advantages, that what no man at first questions, very many will afterwards believe, and they introduce more; and from more to most, and from most to all men, are no impossible progressions, if we consider how much mankind (especially in theology) have suffered the authority of a few men to prevail upon them. ε) Does not all the world see that zeal makes men impatient of contradiction, and that impatience makes them fierce in disputing, and fierce in fighting, and ready to persecute their enemies? and what that unity and universality is which can be introduced by force, a great part of the world hath had too long an experience to be ignorant. ζ) Beyond all this, a proposition may be supposed to follow from an apostolical tradition, and prevail very much upon that account; and yet it would be hard to believe the scholar's deduction equally with the master's principle, and a probable inference from tradition equal to the very affirmative of the apostles. A man may argue, and argue well too, and yet the conclusion will not be so evident as the principle: but that it may equally prevail is so certain, that no man can deny it but he that had never any testimony of the confidence of a disputing man, and the compliance of those who know not so well, or enquire not so strictly, or examine not suspiciously, or judge not wisely.

§ 40. (2) The next rule which is pretended for the discovery of an apostolical tradition is this, 'That which the universal church observes, which none could appoint but God, and is not found in scripture, it

is necessary to say that it was delivered by Christ and His apostles.' —This rule must needs be false, because it does actually deceive them that rely upon it. Because their church, which they will fondly suppose to be the catholic, uses certain sacramentals to confer grace, (which none could institute but Christ, who alone is the fountain of grace) and the holy Spirit to His servants: but yet to pretend that they are traditions apostolical were the greatest unreasonableness in the world. I instance in holy water, baptizing of bells, hallowing of *agnus Dei*'s, roses, swords, hats, chrism and the like, which no man can fairly pretend to be traditions apostolical, but yet they are practised by all their catholic church, and they are of such things as no man but God could be the author of, if they were good for any thing; but then to conclude from hence that they are traditions apostolical, were just as if one were to give a sign how to know whether lying were lawful or unlawful, and for the determination of this question should give this rule, Whatsoever mankind does universally which they ought not to do without God's law, that certainly they have a law from God to do; but all mankind are given to lying, and yet nothing can make it lawful to lie, unless there be a warranty or no prohibition from God to lie; therefore certain it is that a lie descends from the authority of God. Indeed if the catholic church could not be uncharitable, if they could not sin against God, then it were certain, if they all did it, and it were not warranted in scripture, it must be from God: but it does not follow it would be by tradition; because it may be by the dictate of right reason, by natural principles, or it would be a thing indifferent; but that it must be by tradition, if it were not by scripture, or by the church, were as if we should say, if Lælaps[h] be not a horse, or begotten by a lion, he must needs be a bear: but these rules are like dead men's candles, they come from no certain cause, and signify no determined effect, and whether they be at all, we are no surer than the reports of timorous or fantastic persons can make us. But this rule differs not at all from the former, save only that speaks of doctrinal, and this of ritual traditions: but both relying upon the same reason, and that reason failing (as I have proved) the propositions themselves do fail. But then as to rites, it is notorious beyond a denial, that some rites used in the universal church, which are also said to be such which none ought to appoint but God, were not delivered by the apostles. I instance in the singularity of baptism of heretics, which the whole church now adheres to, and yet if this descended from apostolical tradition, it was more than S. Cyprian or the African churches knew of, for they rebaptized heretics, and disputed it very earnestly, and lived in it very pertinaciously, and died in the opinion.

§ 41. (3) The third rule is, 'Whatsoever the catholic church hath kept in all ages bygone, may rightly be believed to have descended

[h] [Ovid. metam. vii. 771.]

from the apostles, though it be such a thing which might have been instituted by the church.'—This rule is the same with that of Lirinensis, of which I have already given account: and certainly in those things in which it can be made use of (which are extremely few) it is the best, and indeed the only good one. But then this can relate only to rituals, not to matter of doctrine; for nothing of this can be of ecclesiastical institution and appointment: it cannot be a doctrine of faith unless it be of divine tradition; for Christ is the author and finisher of our faith, which the church is to preach and believe, not to enlarge or shorten, not to alter or diversify. But then as to rituals, the keeping of Easter on the first day of the week by this rule cannot be proved to be an apostolical tradition; because the Asian churches kept it otherwise: and by this rule the keeping of Lent fast for forty days will not be found to be an apostolical tradition; because the observation of it was very full of variety; and some kept it forty hours, some a day, some a week, as I shall afterwards in its proper place make to appear. But by this rule the distinction of bishops and presbyters is an apostolical tradition (besides the scriptures, by which it appears to be divine); by this the consecration of the blessed eucharist by ecclesiastical persons, bishops and priests, is certainly a tradition apostolical; by this the Lord's day is derived to us from the apostles; and by this the baptism of infants is much confirmed unto the church: and whatsoever can descend to us and be observed in this channel, there is no sufficient reason to deny it to be apostolical: but then how far it can be obligatory to all ages and to all churches will be another consideration; it being on all hands confessed that some rituals which were observed in the apostles' times are with good cause and just authority laid aside by several churches. But of this I shall give particular accounts.

§ 42. (4) 'When all the doctors of the church by common consent testify concerning any particular that it descends from apostolical tradition, we are to hold it for such: whether they affirm this in all their writings, or together in a council.'—To this rule I answer, that where it would do good there it is not practicable, and where it is practicable there it is not true. For it is indeed practicable that a council may give testimony to a particular that it came from the apostles; but it does not follow that they are not deceived; for it never was, and it never will be, that all the doctors of the church shall meet together in council, and unless they do their testimony is not universal. But if all the fathers should write in their books that such a thing was delivered by the apostles, unless it were evidently against scripture or right reason, there could be no sufficient cause to disbelieve it; and it were the best way we have of conveying and handing the tradition to us, next to the universal practice of the church in her rituals. But there is no such thing so conveyed to us: and therefore Bellarmine plays at small game with this rule, and would fain have the world admit tradition for apostolical, if some

fathers of great name say so, and others that speak of the same thing contradict it not. But this is a plain begging, that when he cannot prove a thing to be tradition apostolical by a good argument and sufficient, we will be content to take it without proof, or at least to be content with such as he hath, and believe his own word for the rest, though he knows nothing of it. If it fails or goes less than *omnibus*, and *semper*, and *ubique*, which is Vincentius his measure, it cannot be warranted, and he that allows it is more kind than wise. S. Basil[i] proves the perpetual virginity of the blessed Virgin Mary by a tradition that Zechary was slain by the Jews between the porch and the altar for affirming her to be a virgin after the birth of her most holy Son: but S. Hierome[j] says it is *apocryphorum somnium*, 'a dream of apocryphal persons.' But it was a long time before the report of the millenary tradition was contradicted, and yet in that interval, in which many of the most eminent fathers attested it to have descended from the apostles, it was neither true nor safe to have believed it. But then as to the particular and more practicable part of this rule, that if a general council affirms it to be tradition apostolical it is so to be accepted, it is evidently fallacious and uncertain; for the second council of Nice affirmed the veneration of images to be an apostolical tradition: but it is so far from being true that it was so as they affirmed, that not only the apostolical but divers of the following ages hated all images, and did not think it lawful so much as to make them; of which I have already given a large account in this book[k].

§ 43. (5) 'When the apostolical churches, which from the apostles have had uninterrupted succession, do witness concerning any thing that it is apostolical tradition, it is to be admitted for such.'—This rule was good before the channels were mingled with impure waters entering in. It was used by Irenæus, Tertullian, S. Augustine, and others; and it was to them of great advantage. But although it was good drinking of Euphrates when it newly ran from the garden of Eden, yet when it began to mingle with the *borborus* it was not good: and who durst have trusted this rule when Dioscorus was bishop of Alexandria, who yet was lineally descended from S. Mark? And who durst have relied upon this rule when pope Julius absolved the Sabellian heretics, and communicated with Marcellus Ancyranus? and when S. Basil[l] complains of the western bishops, and particularly the Roman, *quod veritatem neque norunt, neque discere sustinent . . cum iis qui veritatem ipsis annunciant contendentes, hæresin autem per se ipsos stabilientes:* 'that they neither know the truth, nor care to learn it; but they contend with them who tell them the truth, and by themselves establish heresy.' *Quia multi principes et summi*

[i] Serm. de S. nativitat. [tom. ii. p. 600.]
[j] In Matt. xxiii. [tom. iv. part. 1. col. 112.]
[k] Chap. ii. rule 6. [p. 428.]
[l] Epist. x. [al. ccxxxix. tom. iii. p. 368 E.]

pontifices et alii inferiores inventi sunt apostatasse a fide, propterea ecclesia consistit in illis personis in quibus est notitia vera, et confessio fidei et veritatis[m]. How can this rule guide any man when all the apostolical churches have fallen into error, and many popes have been apostates from the faith, and the church consisted not of prelates, but indifferently of all that believed and professed the truth which the popes and princes and prelates did deny? The apostolical church of Antioch is not; and the patriarchal church of Alexandria is accused by the Latins of great errors, and the mother church of Jerusalem hath no succession, but is buried in ruins; and the church of Rome is indeed splendid, but he that will take her word for tradition is sure to admit many false ones, but not sure of any true, but such as she hath in common with all the churches of the world.

§ 44. I conclude therefore this question, that amongst those rules of discerning traditions truly apostolical from them that are but pretended such, there is no rule competent but one, which is scarcely practicable, which indeed transmits to the church a few rituals, but nothing of faith or rule of good life; and therefore it is to no purpose to look any where else for the divine rule of conscience but in the pages of the Old and New testament: they are sufficient, because they were intended by God to be our only rule; and yet if God had intended traditions to be taken in, to integrate the rule and to oblige our conscience, it is certain that God intends it not now, because the traditions are lost if there were any, and if they be now, they do not appear, and therefore are to us as if they were not.

§ 45. II. The second question also does very nearly relate to conscience and its conduct, viz. Since the scripture is the perfect rule of conscience, and contains in it all the will of God, whether or no, and how far is a negative argument from scripture to prevail?

§ 46. The resolution of this depends upon the premises. For if scripture be the entire rule of faith and of manners, that is, of the whole service and worship of God, then nothing is an article of faith, nothing can command a moral action, that is not in its whole kind set down in scripture. This I proved by direct testimonies of Tertullian, S. Basil, S. Austin, S. Cyril, Theophilus Alexandrinus, and S. Hierome, in the foregoing numbers[n]. To which I add these excellent words of S. Cyril of Jerusalem[o], speaking of the Jerusalem creed, which he had recited and explicated and promised to prove from scripture; he gives this reason, *Nam divinorum sanctorumque fidei mysteriorum nihil, ne minimum quidem, absque divinis scripturis tradi debet, neque simplici probabilitate neque verborum ornatu traduci:* 'not the least part of the divine and holy mysteries of faith must be delivered without the divine scriptures. Believe not me

[m] Lyra in Matt. c. 16. [Biblia vulgata, &c. tom. v. col. 280.]

[n] Vide num. 9. [pp. 605, 6 above.]

[o] [Catech. iv. § 17. p. 60 A.]

telling thee, unless I demonstrate what I say from the divine scripture: for the safety and conservation of our faith relies upon the proof of the divine scriptures.' But because there are some particulars and some variety in the practice of this rule, I am to consider it now to other purposes.

§ 47. 1) Nothing is necessary either to be believed or done unless it be in scripture. Thus S. Gregory Nyssen[p] argues, *Ubinam dixit Deus in evangeliis oportere credere in unum et solum verum Deum? Non possent ostendere nisi habeant ipsi novum aliquod evangelium. Quæ enim ab antiquis per traditionem ad hæc usque tempora in ecclesiis leguntur, hanc vocem non continent quæ dicat, oportere credere vel baptizare in unum solum verum Deum, quemadmodum isti autumant, sed in nomen Patris et Filii et Spiritus sancti.* I have I confess something wondered at the matter of this discourse. For either the Arians have infinitely imposed upon us, and interpolated scripture in a very material article; or else S. Gregory forgot the seventeenth of S. John and the third verse, or else he insisted only upon the words δεῖ πιστεύειν, for the same sense is in the place now cited. For if this be 'life eternal, to know Him the only true God, and whom He hath sent, Jesus Christ[q],' then also to believe in them only is life eternal, and then we are tied to believe in none else; for we cannot believe in that we do not know. Indeed the words are not there or any where else, that we 'ought to believe in (God the Father) Him, the one, only true God, &c.' But certainly, if we are to know Him ὀnly, then only to believe in Him seems to be a very good consequent. But S. Basil therefore only insisted upon the very words, and thought himself safe (as indeed he was) upon the reverse of another argument. For since the words *oportere credere in unum solum verum Deum* were not in S. John or any where else, he concluded the contrary sense from a very good argument: we are commanded to be baptized into the faith of Father, Son, and holy Ghost, therefore we are to believe in three: and because the word 'believe' was not set down expressly, where knowledge is confined to one or two, therefore it cannot be said that we are tied to believe only in one or two: but because to believe in three can be inferred as a duty from another place, therefore it cannot be denied as a consequent from this; and therefore he had reason to insist upon his negative argument. Thus S. Austin[q] also argued, *Pater enim solus nusquam legitur missus,* 'the Father is never in scripture said to be sent; therefore no man must say it.' So Epiphanius[r], *Ipsa dictio non omnino cogit me de Filio Dei dicere: non enim indicavit scriptura, neque quisquam apostolorum meminit, neque evangelium:* 'the manner of speaking compels me not to understand it of the Son of God: for the scripture hath not declared

[p] Orat. ii. contra Eunomium. [tom. ii. p. 435.]

[q] Lib. ii. de Trinit., cap. 5. [tom. viii. col. 776 A.] et cap. 7. [col. 779 C.]

[r] [Contr. hær., lib. ii. tom. 2. [hær. lxix. § 71. vol. i. p. 798.]

it, neither the gospel nor any of the apostles hath made any mention of it.'

§ 48. 2) A negative argument from the letter of scripture is not good, if the contrary affirmative can be drawn by consequent from any part of it. Thus our blessed Saviour confuting the sadducees in the article of the resurrection hath given us a warranty for this proceeding; "God is the God of Abraham, Isaac, and Jacob." These were the words of scripture. But these directly would not do the work. But therefore He argues from hence, "God is not the God of the dead, but of the living:" therefore these men are alive. That the holy Ghost is God is no where said in scripture; that the holy Ghost is to be invocated is no where commanded, nor any example of its being done recorded. It follows not therefore that He is not God or that He is not to be invocated, and the reason is, because that He is God is a certain consequent from something that is expressly affirmed; and therefore the negative argument is imperfect, and consequently not concluding, *Quæ neque a christianis dicuntur neque creduntur, neque ex consequente per ea quæ apud nos certa sunt et concessa intelliguntur*[s], *&c.*, 'if Christians did never speak, nor believe any such thing, nor can they be drawn from the consequence of those things which are certain and granted amongst us, then indeed it is to be rejected from our creed.' Now amongst Christians this is believed as certain, that we may pray to Him in whom we believe; that we believe in Him into the faith of whom we are baptized; that we are commanded to be baptized into the belief and profession of the Father, Son, and holy Ghost: from hence Christians do know that they are to invocate the holy Ghost. For S. Paul's argument is good, 'How shall we call on Him on whom we have not believed?' therefore we may call on Him if we believe on Him: according to that rule of reason, *Negatio unius diversum affirmat*, 'the denying of one is the affirmation of its contrary' in the like matter. And something of this was used by Paschasius[t] the deacon: and the effect of it prevailed upon the account of a negative from scripture; *In nullis autem canonicis libris, de quibus symboli textus pendet, accepimus, quia in ecclesiam credere sicut in Spiritum sanctum Filiumque;* 'we are taught in no scripture (from whence the creed is derived) to believe in the church, as we believe in the Son and in the holy Ghost:' and therefore we ought not to do it; but it being plain in the creed, and consequently in the scripture, that we must believe in the holy Ghost, therefore also we may pray to Him, and confess Him to be God. To the same purpose S. Basil[u] argues concerning the holy Spirit; *Dignitate namque ipsa secundum esse a Filio pietatis sermo fortassis tradit: natura vero tertia uti nec a divinis scripturis edocti sumus, nec ex antecedentibus possibile est consequenter colligi;* 'that the holy Spirit is of a nature distinct from

[s] S. Greg. Nyssen. ibid. [p. 439.]
[t] Lib. de Spir. S. cap. i. [Max. bibl. vet. patr., tom. viii. p. 808 D.]
[u] [Vide epist. clxxxix. tom. iii. p. 279.]

the Father and the Son we neither are taught in scripture, neither can it be drawn into consequence from any antecedent pretences [x].

§ 49. 3) A negative argument of a word or an expression cannot be consequently deduced to the negation of the mystery signified by that word. The Arians therefore argued weakly: shew us in all the scripture that the Son is called ὁμοούσιος or 'consubstantial' to the Father; if you cannot, you ought not to affirm it. For we know God is one; if therefore we find in scripture that the Son is true God, we know He must needs be of the same substance with His Father, for two substances cannot make one God. So though the blessed virgin Mary be not in scripture called θεοτόκος, 'the mother of God,' yet that she was the mother of Jesus, and that Jesus Christ is God, and yet but one person, that we can prove from scripture, and that is sufficient for the appellative: and if the church of Rome could prove the mystery of transubstantiation from scripture, we would indulge to them the use of that word, or any other aptly to express the same thing.

§ 50. 4) A negative argument from scripture is sufficient to prove an article not to be of necessary belief, but is not sufficient to prove it not to be true: because although the scripture is the measure of faith and of manners, yet it is not an adequate measure of all truth. The meaning of which rule takes in all truths of art, of experience, of prudence, of tradition and common report. Thus although it be no where said in the scripture that our blessed Saviour said, *Nunquam læti sitis nisi cum fratrem vestrum in charitate videritis*, 'be never very merry but when you see your brother in charity;' yet S. Hierome [y] reports it of Him, and it is a worthy saying, and therefore may very well be entertained, not only as true and useful, but as from Christ. The scripture no where says that the blessed Virgin was a virgin perpetually to the day of her death: but as therefore it cannot be obtruded as an article of faith, yet there are a great many decencies and probabilities of the thing, besides the great consent of almost all the church of God, which make it very fit to be entertained. There are some things which are *pie credibilia*, 'there is piety in the believing them:' and in such cases it is not enough that there is

[x] Nonne perspicuum est, ista, tametsi non dicantur, tamen ex illis colligi quæ hæc necessario efficiant ac probent? Quæ tandem? Ego sum primus, et post hæc, et ante me non est alius Deus, et post me non erit. Totum enim quicquid est, meum est, nec principium habens, nec finem habiturum. His a scriptura acceptis, illud quidem, quod ante eum nihil sit, nec antiquiorem causam habeat, Anarchum et Ingenitum appellasti: quod autem nunquam desiturum sit, immortale, exitiique expers.—Nazianz., lib. v. theol. interprete Jacobo Billio.—[ed. fol. Par. 1569. p. 376.] Et infra, Cum ergo in nominibus et rebus tantum discrimen reperiatur, quid causæ est cur literæ tantopere servias, judaicæque sapientiæ teipsum adjungas, relictisque rebus syllabas consecteris? Quod si te bis quinque aut bis septem dicente, decem aut quatuordecim ex verbis tuis colligerem, aut ex eo quod animal ratione præditum et mortale diceres, hominem esse concluderem, an tibi viderer delirare? . . . Neque enim verba magis sunt ejus qui loquitur quam illius qui loquendi necessitatem simul affert. [al. orat., xxxi. tom. i. p. 570 sq.]

[y] [In Ephes. v. 4; tom. iv. part. 1. col. 380.]

nothing in scripture to affirm it; if there be any thing in any other topic, it is to be entertained according to the merit of the thing.

§ 51. 5) A negative argument from scripture does not conclude in questions of fact: and therefore S. Hierome[a] did not argue rightly, *Quanquam excepto apostolo non sit manifeste relatum de aliis apostolis quod uxores habuerint, et cum de uno scriptum sit ac de cæteris tacitum, intelligere debemus sine uxoribus eos fuisse, de quibus nihil tale scriptura significat;* 'the scripture names only Peter's wife, and does not say that any of the other apostles were married, therefore we are to conclude that they were not.' For besides that the allegation is not true, and S. Paul intimates that the other apostles as well as Peter did lead about a sister, a wife; and that from thence the fathers did believe them all to have been married except S. John, and some also except S. Paul; yet the argument is not good: for it may as well be concluded that S. Peter never had a child, or that Christ did never write but once when He wrote upon the ground, because the scripture makes no mention of either.

§ 52. 6) When a negative argument may be had from scripture for both the parts of the contradiction, nothing at all can be concluded thence, but it must be wholly argued from other topics. The scripture neither says that Christ did ever laugh, nor it does not say that He did never laugh; therefore either of the contradicting parts may be equally inferred, that is truly neither. And indeed this is of itself a demonstration that in matters of fact and matters not necessary a negative argument from scripture is of no use at all.

§ 53. 7) But when the question is of lawful or unlawful, then it is valid. If it be not in scripture forbidden directly or by consequent, then it is lawful; it is not by God forbidden at all. And on the other side, if it be not there commanded it is not necessary. Lucentius thus argued in the council of Chalcedon[a], *Dioscorus synodum ausus est facere sine auctoritate sedis apostolicæ, quod nunquam licuit, nunquam factum est.* That it was never done, proves not but it may be done; but if it was never lawful to be done, then it was forbidden; for whatsoever is not forbidden is not unlawful: but if it was not in scripture forbidden, then *aliquando licuit,* 'it once was lawful,' and therefore is always so, if we speak of the divine law; and if Lucentius speaks of that, he ought to have considered it in the instance: but I suppose he means it of custom, or the ecclesiastical law; and therefore I meddle not with the thing, only I observe the method of his arguing.

§ 54. 8) An argument from the discourse of one single person omitting to affirm or deny a thing relating to that of which he did discourse, is no competent argument to prove that the thing itself omitted was not true: and therefore Ruffinus[b] had but a weak argu-

[a] Lib. i. contr. Jovin. [tom. iv. part. 2. col. 167.]

[a] [Act. i. tom. ii. col. 67 B.]

[b] Lib. de fide, n. 28. [in append. ad part. i. opp. Marii Mercat., p. 295. ed. Garnier. fol. Par. 1673.]

ment against the traduction of the soul when he argued thus, *Si anima quoque esset ex anima secundum illorum vanas opiniones, nunquam profecto hoc Adam præteriisset. Nam sicut os ex ossibus meis, et caro de carne mea dicebat, sic etiam anima ex anima mea dicere potuisset; sed tantum hoc dixit quod sibi videlicet sciebat ablatum:* 'Adam seeing his wife, said, this is bone of my bone and flesh of my flesh, for he knew what was taken from him; but he could have said, soul of my soul, if the soul had been derived from him.' This I say is no good argument, unless every one must be supposed when he says any thing to say all that is true, and all that he knows: so that Ruffinus in this particular defended a good cause with a broken sword.

§ 55. 9) But if that which is omitted in the discourse be pertinent and material to the enquiry, then it is a very good probability that that is not true that is not affirmed. When the Jews asked our blessed Saviour, 'Why do the disciples of John and of the pharisees fast often, but Thy disciples fast not?' He gave an answer that related to the present state of things and circumstances at that time, and said nothing of their not fasting in the time of the gospel: from which silence we may well conclude that there is nothing in the religion disobliging Christ's disciples from fasting; if it had, it is very likely it would have been then expressed when there was so apt an occasion, and the answer had been imperfect without it. S. Hierome's[c] was also very good, but not so certain as the other, against the tale of Leo baptized after his death, and the periods of Paul and Tecla, *Igitur periodos Pauli et Teclæ et totam baptizati Leonis fabulam inter apocryphas scripturas computamus; quale enim est ut individuus comes apostoli inter cæteras ejus res hoc solum ignoraverit?* It is not likely that S. Luke, who continually attended on S. Paul, observed all his actions, remarked his miracles, described his story, should omit things so strange, so considerable, if they had been true.

§ 56. The reason of these things is, every thing is to be suspected false that does not derive from that fountain whence men justly expect it,[n] and from whence it ought to flow. If you speak of any thing that relates to God, you must look for it there where God hath manifested Himself; that is, in the scriptures. If you speak of any human act or ordinance or story and matter of fact, you must look for it in its own spring and original, or go the nearest to it you can. And thus the bishops at the conference had with the *acephali*, heretics who had churches without bishops, refused their allegations of the authority of Dionysius the Areopagite, upon this account[d], *Illa testimonia quæ vos Dionysii Areopagitæ dicitis, unde potestis ostendere vera esse sicut suspicamini? Si enim ejus essent, non potuissent latere beatum Cyrillum. Quid autem de B. Cyrillo dico, quando et B. Athanasius, si pro certo scisset ejus fuisse, ante omnia in Nicæno*

[c] Lib. de script. eccles., in Luca. [tom. iv. part. 2. col. 104.]

[d] C. P[li]. An. Dom. DXXXII. [Concil, tom. ii. col. 1163.]

concilio de consubstantiali Trinitate eadem testimonia protulisse versus Arii diversæ substantiæ blasphemias? Si autem nullus tiquis recordatus est ea, unde nunc potestis ostendere quia illius nescio: 'if neither S. Cyril nor S. Athanasius, who were so di to enquire, so skilful in knowing, so concerned that these should be the works of S. Dionys, did yet know nothing of and if amongst the ancients they were not known, for you mo now to tell of antiquity, what by them who then lived was not is a folly that can never gain credit amongst reasonable persons every fruit proceed from its own root. We cannot say, beca thing is not in scripture, therefore it is not at all; but therefor nothing of divine religion. So it is also in things relating ancient church; from thence only can we derive any notice of doctrine and of their practices. For if an article prevailed Austin's time, it was no argument that therefore it was belie S. Cyprian's time: but a negative argument from any age ou prevail in reference to that age; and if there be in it nothing tiquity, no argument of the moderns can prove it to be ancient Baronius said well, *Quod a recentiori auctore de rebus antiqui alicujus vetustioris auctoritate profertur, contemnitur,* 'what th derns say of the ancients without warranty from themselves is despised.' One thing only I am to add to this out of Vinc Lirinensis[e], *Quicquid vero ab aliquo deinceps uno præter omn contra omnes sanctos novum et inauditum subinduci senserit, ad religionem sed ad tentationem potius intelligat pertinere;* ' of the fathers say a thing, and the others say it not, but spea versely or contrarily, that pertains not to religion, but to tempt I doubt not but he intended it against S. Austin, who spake in the matter of predestination, and the damnation of infant other appendant questions against the sense of all the father were before him; one (it may be) or scarce one being excepted. to the same purpose Tertullian[f] argued against Marcion conce a pretended gospel of S. Paul, *Etsi sub ipsius Pauli nomine e lium Marcion intulisset, non sufficeret ad fidem singularitas i menti destituta patrocinio antecessorum;* if you cannot bring mony from the fathers and ancient records, you must not recei one alone is not to be trusted. He that affirms must prove; t that denies a negative argument is sufficient. For to a man's a positive cause is required, but for his not believing it is suf that he hath no cause. Thus S. Hierome[g] argues well again rebaptizing of converted heretics, *Ad eos venio hæreticos qui gelia laniaverunt . . quorum plurimi vivente adhuc Johanne ap eruperunt, et tamen nullum eorum legimus rebaptizatum;* 'of a heretics which appeared in S. John's time, we never read of an

[e] Commonit. [cap. xxv. max. bibl. vet. patr., tom. vii. p. 257 F.]

[f] Lib. iv. cap. 2. contr. Marcion [p. 414 D.]

[g] Dial. adv. Luciferianos. [to part. 2. col. 304.]

was rebaptized:' and therefore it is to be presumed they were not; for a thing so considerable and so notorious in all reason would have given some signs, and left some indications of it. But then it is to be observed,

§ 57. 10) A negative argument must not be *μέσον μερικὸν*, a partial or a broken piece of a medium. You cannot argue rightly thus, 'S. John in his gospel speaks nothing of the sacrament of the Lord's supper, therefore that sacrament is no part of the doctrine of salvation.' For three evangelists had done it before him, and therefore he did not; and a negative argument only from one gospel cannot conclude rightly concerning any article of the religion. And this is very evident in matters of fact also. For if it be argued thus, 'We do not find in scripture nor in the days of the apostles any infant baptized, therefore we conclude there was none,' this is *μέσον μερικόν*. It is true, if there were no way else to find it but the practice of the apostles, the negative argument had been very good; but we derive it from the force of Christ's words of institution, and of His discourse with Nicodemus, and the analogy of circumcision, and the practice of the Jews in baptizing their children, and many proprieties of scripture, and the effect of the sacrament, and the necessities of regeneration. S. Irenæus[h] his negative argument was good; *Quod neque prophetæ prædicaverunt, neque Dominus docuit, neque apostoli tradiderunt, &c.*, 'if neither Moses nor the prophets, Christ nor His apostles have taught it, it is not to be received as any part of christian doctrine;' for this negative is integral and perfect. But S. Cyril of Alexandria[i] disputed also well with his negative argument from antiquity, *Etenim nomen hoc θεοτόκος nullus unquam ecclesiasticorum doctorum repudiavit; qui autem illo subinde usi sunt, et multi reperiuntur, et maxime celebres:* 'many famous doctors used this word, calling the Virgin Mary the parent of God, and none ever refused it; therefore it may safely be used.' If the negative argument from scripture or antiquity respectively can run thus, 'It was not condemned in scripture or antiquity, but it was used, therefore it is good;' the argument concludes rightly in relation to scripture, and probably in relation to antiquity. But if it be said only, the scripture condemns it not, but neither does it approve it, then it cannot be concluded to be laudable, but only not criminal. But if it be said of antiquity, it was neither condemned nor used, it cannot be inferred from thence that it is either laudable or innocent. The reason is, because scripture is the measure of lawful and unlawful, but the writings of the doctors are not; and these may be deficient, though that be full.

§ 58. 11) In the mysteries of religion, and in things concerning God, a negative argument from scripture ought to prevail both upon our faith and upon our enquiries, upon our belief and upon our modesty. For as S. Austin said well, *De Deo etiam vera loqui pericu-*

[h] Lib. i. cap. 1. [al. 8. p. 35.]

[i] [Potius Joannes Antiochenus] Prima parte concil. Ephes., cap. 25. [lege cap. 15. tom. i. col. 1330 D.]

losissimum, 'it is hard to talk many things of God:' we ha
have good warranty for what we say; and therefore it is ver
speak scripture in the discourses of God. And thus S. Aust
gued, *Ideo nusquam scriptum est quod Deus pater major sit*
sancto, vel Spiritus sanctus minor Deo patre: quia non sic as
est creatura, in qua appareret Spiritus sanctus, sicut assump
Filius hominis: 'since it is nowhere written that the Father is
than the Spirit, we ought not to say He is.' But if it be o
that neither does the scripture say that He is not greater, it d
say that they are equal; and therefore it will be hard to use
tive argument in such cases: and how shall we know which
the negative to follow? I answer, it is very true according
sixth proposition (*num.* 52). But then in this case we must
for other words of scripture by which we may be directed, ar
ceed accordingly, or enquire into the analogy of faith, or th
sures of piety: but if there be nothing to determine to any
the negative, we must say nothing; and if there be, yet we m
but little, because the notice is not great.

§ 59. 12) Lastly, in matters of envy and burden, a negativ
ment even in matter of fact ought to prevail, unless the c
be proved by some other competent topic. That the clergy ou
to marry is nowhere affirmed in scripture, and therefore it
mitted; and because it is agreeable to nature, and the laws
republics, their marriage is also holy and pleasing to God. A
must be directly imposed; a man must not be frighted or
into it. When our blessed Saviour reproved the pharisees
posing heavy burdens, such which God imposed not, He tau
the value of this argument, *Ubi scriptum est?* 'shew us whe
written' that this is displeasing to God: if it be nowhere for
præsumitur pro libertate; all men are as free as they were
How this can be altered by the laws of man will be afterwar
sidered. In the mean time God hath left us under no more re
than are described in scripture. This argument S. Chrysostom
against the necessity of corporal afflictions to a contrite weepin
tent. *Lacrymas Petri lego, satisfactionem non lego:* 'I re
S. Peter wept; I do not read that he imposed penances on h
The argument were good from this place, if the case be not
or if it be not altered by some other consideration. This is
be extended to such negative arguments as are taken from m
fact in accusations, and criminal proceedings: not that it can
be great enough to prevail, but that the case is so favourabl
every little thing ought to be strong enough. Thus S. Atha
defended his decessor Dionysius, *Et prius eorum auctorem Dio*

[j] Lib. ii. de Trinit., cap. 6. [tom. viii. col. 777 G.]

[k] [The same words occur in a homily of Maximus Taurinensis on the subject; max. bibl. vet. patr., tom. vi. p.

[l] Apud Facundum, lib. x. cap. defensione trium capitulorum, bibl. vet. patr., tom. x. p. 86 G.]

per hoc voluit esse purgatum, atque ab Arianorum crimine alienum, quod ipse non sicut Arius cum viveret de impietate fuerit accusatus, aut de episcopatu dejectus, neque velut hæresim defendens de ecclesia sicut ille discesserit, sed in ejus permanserit unitate, 'Dionysius was not accused while he was alive, he was not thrown from his bishopric, he did not depart from the church, but remained in her communion; and therefore he was no Arian.' But arguments of this nature, when the medium is so limited, and the instance so particular, have their force only by accident. For this and the like negatives are good arguments when they are the best light in the question, that is, when nothing greater can be said against them, or when men are easy and willing to be persuaded; as in the questions of burden and trouble all men ought.

§ 60. III. Question. Whether there may be any new articles of faith; or that the creed of the church may so increase that what is sufficient to salvation in one age cannot serve in another.

§ 61. If this question were to be determined by witnesses, it were very easy to produce many worthy ones. Theodorus, the bishop of Rome, in his synodical epistle to Paul the patriarch of Constantinople[m], thus concludes against the Monothelites, *Sufficit nobis fides quam sancti apostoli prædicaverunt, concilia firmaverunt, et sancti patres consignaverunt,* 'that faith which the apostles preached, which the councils have confirmed, which the fathers have consigned, that faith is sufficient for us:' therefore nothing new can be superinduced; after the apostles had done preaching the faith was full and entire. It was so long before they died; but after their death the instruments were sealed and ratified, and there could be nothing put to them but our obedience and consent. And therefore Victor, bishop of Carthage, in his synodical epistle to Theodorus[n], gives caution against any thing that is new. *Vestrum est itaque, frater sanctissime, canonica discretione solite contrariis catholicæ fidei obviare, nec permittere noviter dici quod patrum venerabilium auctoritas omnino non censuit:* 'you must not permit any thing to be newly said which the authority of the venerable fathers did not think fit.' If therefore the fathers did not say it was necessary to believe any other articles than what they put into their confessions of faith, he that says otherwise now is not to be suffered. Excellent therefore is the counsel of S. Cyprian[o], 'as it happens when the pipes of an aqueduct are broken or cut off, the water cannot run, but mend them and restore the water to its course, and the whole city shall be refreshed from the fountain's head: *Quod et nunc facere oportet Dei sacerdotes, præcepta divina servantes, ut si in aliquo nutaverit et vacillaverit veritas, ad originem dominicam et evangelicam et apostolicam traditionem revertamur, et inde surgat actus nostri ratio, unde et ordo et origo surrexit:* 'so

[m] [Concill. Hard., tom. iii. col. 617 A.] [n] [ibid., col. 758 A.]
[o] Epist. lxxiv. ad Pompeium. [p. 215.]

must God's priests do, keeping the divine commandments: if the truth be weakened or fail in any thing, let a recourse be made to the original, to the fountain of Christ and His apostles, to what hath been delivered in the gospel; that thither our faith may return from whence it did arise.'

§ 62. From the simplicity, truth and ingenuity of this discourse it will plainly follow, that what was the faith at first, the same is now and no other: *Sicut erat in principio, &c.* 'As it was in the beginning, so it is now, and so it shall be for ever.' For to what purpose can it be advised that in all questions of faith or new springs of error we should return to the fountains of our Saviour, and the first emanations of the apostles, but because no divine truth is warrantable but what they taught, no necessity is to be pretended but what they imposed? If it was their faith, it is and must be ours, but ours it ought not to be, if it was not theirs.

§ 63. Now concerning this there are very material considerations.

1) Whatsoever the apostles taught we must equally believe, if we equally know it: but yet all that they taught is not equally necessary to be taught; but only so much as upon the knowledge of which good life is superstructed and our hopes of heaven depend. Whatsoever is in the scripture is alike true, but whatsoever is there is not alike necessary, nor alike useful, nor alike easy to be understood. But whatsoever by reading or hearing or any other instrument we come to learn to be the truth of God, that we must believe; because no man disbelieves any such thing, but he disowns God. But here the question is not what we must believe when we know it to be the word of God, for that is every thing; but how much we are bound to know, what must be taught to all Christians, how much their memory and their hearts must be charged withal. For the faith of a Christian is not made up of every true proposition; but of those things which are the foundation of our obedience to God in Jesus Christ, and the endearment of our duty, and the stabiliment of our hope. Faith, hope, and charity, are the *fundamentum, paries, et tectum,* 'the foundation, the walls, and the roof' of our building: now this foundation is that necessary belief, without which nothing could subsist in our religion.

§ 64. 2) This foundation was by Christ and His apostles laid sure, but at first it was made but of a just latitude and evenness with the intended building. It was a little enlarged and paraphrased by the apostles and apostolical men in their days; the faith of Christians was the most easy and plain, the most simple and wise thing in the world; it was wholly an art of living well, and believing in God through Jesus Christ. And what Seneca[p] said of the wisdom of the old men in infant Rome, is very true of the *aborigines* in christianity in the first spring of our religion; *Antiqua sapientia nihil aliud quam facienda et vitanda præcepit; et tum longe meliores erant viri: post-*

[p] Senec. ep. xcv. [tom. ii. p. 458.]

quam docti prodierunt, desunt boni: 'the ancient and primitive wisdom did only command virtue, and prohibit vice; and then men lived good lives: but when they became more learned they became less virtuous.' *Simplex erat ex simplici causa valetudo; multos morbos multa fercula fecerunt:* 'the old world eat a simple and a natural diet, and they had a simple and a natural religion: but when variety of dishes were set upon the table, variety of diseases entered together with them.' Now in what instance the simplicity of a Christian was at first exercised we find in S. Irenæus[q]: *Melius itaque est nihil omnino scientem quempiam, ne unam quidem causam cujuslibet eorum quæ facta sunt, cur factum sit, et credere Deo, et perseverare eos in dilectione.. quæ hominem vivificat, nec aliud inquirere ad scientiam nisi Jesum Christum filium Dei qui pro nobis crucifixus est, aut per quæstionum subtilitates et multiloquium[r] in impietatem cadere:* 'it is therefore better for a man to know absolutely nothing of the causes of things why any thing was done, (and to believe in God, and to persevere in His love that makes a man to live, and to enquire after no knowledge but to know Jesus Christ the Son of God who was crucified for us) than by subtle questions and multitude of words to fall into impiety.'

§ 65. 3) If we observe the creeds or symbols of belief that are in the New testament, we shall find them very short. "Lord, I believe that Thou art the Son of God who was to come into the world," that was Martha's creed[s]. "Thou art Christ the Son of the living God," that was Peter's creed[t]. "We know and believe that Thou art Christ the Son of the living God," that was the creed of all the apostles[u]. "This is life eternal, that they know Thee the only true God, and whom Thou hast sent, Jesus Christ," that was the creed which our blessed Lord himself propounded[x]. And again, "I am the resurrection and the life: he that believeth in Me, yea though he were dead, yet shall he live, and he that liveth and believeth in Me shall not die for ever," that was the catechism that Christ[y] made for Martha, and questioned her upon the article, "believest thou this?" And this belief was the end of the gospel, and in sufficient perfect order to eternal life. For so S. John[z], "These things are written, that ye might believe that Jesus is the Christ, the Son of God, and that believing ye might have life through His name." "For this is the word of faith which we preach, namely, if you with the mouth confess Jesus to be the Lord, and believe in your heart that God raised Him from the dead, you shall be saved[a]:" that's the Christian's creed. "For I have resolved to know nothing amongst you, but Jesus Christ and Him crucified; that in us ye may learn

[q] Lib. ii. cap. 45. [al. 26. p. 154.]
[r] [al. 'minutiloquium.']
[s] [John xi. 27.]
[t] [Matt. xvi. 16.]
[u] [John vi. 69.]
[x] [John xvii. 3.]
[y] [John xi. 25.]
[z] [John xx. 31.]
[a] [Rom. x. 8, 9.]

not to be wise above that which is written, that ye may not be puffed up one for another, one against another;" that was S. Paul's[b] creed; and that which he recommends to the church of Rome, to prevent factions and pride and schism. The same course he takes with the Corinthian church[c]; "I make known unto you the gospel which I preached unto you, which ye have received, in which ye stand, and by which ye are saved, if ye hold what I delivered to you," &c. Well, what is that gospel by which they should be saved? It was but this, "That Christ died for our sins, that He was buried, that He rose again the third day," &c. So that the sum is this; the gentiles' creed, or the creed in the natural law, is that which S. Paul sets down in the epistle to the Hebrews[d], *Deum esse, et esse remuneratorem*, 'that God is, and that God is a rewarder.' Add to this the christian creed, that Jesus is the Lord, that He is the Christ of God, that He died for our sins, that He rose again from the dead; and there is no question but He that believes this heartily, and confesses it constantly, and lives accordingly, shall be saved: we cannot be deceived; it is so plainly, so certainly affirmed in scripture, that there is no place left for hesitation. "For this is His precept, that we believe in the name of His Son Jesus Christ, and that we love one another[e];" so S. John. "This is His precept." True, and so there are many more: but why is this so signally remarked, but because this is the fundamental precept, that upon which all the rest are superstructed? that is the foundation of faith and manners, and he that keeps this commandment shall never perish. "For other foundation can no man lay than this which is laid, which is Jesus Christ. But if any man shall build upon this foundation, gold, silver, precious stones, wood, hay, stubble, every man's work shall be made manifest; for that day shall declare it, because it is revealed in fire; and every one's work the fire shall prove what it is. If any man's work which he hath superstructed shall remain, he shall receive a reward. But if any man's work shall be burned, he shall receive loss, yet himself shall be saved, but so as by fire[f]." Nothing more plain than that the believing in Jesus Christ is that fundamental article upon which every other proposition is but a superstructure, but itself alone with a good life is sufficient to salvation. All other things are advantage or disadvantage according as they happen; but salvation depends not upon them. For "every spirit which confesseth Jesus Christ to have come in the flesh is of God," and "Whosoever shall confess that Jesus is the Son of God, God abideth in him, and he in God[g]:" and[h], "Every one that believeth that Jesus is Christ is born of God:" and "Who is he that overcometh the world, but he that believeth that Jesus is the Son of God?"

[b] [1 Cor. ii. 2; iv. 6.]
[c] [1 Cor. xv. 1.]
[d] [Hebr. xi. 6.]
[e] [1 John iii. 23.]
[f] [1 Cor. iii. 11—15.]
[g] [1 John iv. 2, 15.]
[h] [1 John v. 1. 5.]

§ 66. In proportion to this measure of faith, the apostles preached the doctrine of faith. S. Peter's first sermon was, that 'Jesus is Christ, that He was crucified, and rose again from the dead[i]:' and they that believed this were presently baptized. His second sermon was the same; and then also he baptized proselytes into that confession. And when the eunuch had confessed that Jesus Christ is the Son of God, Philip presently baptized him. And it is observable that when the eunuch had desired baptism, S. Philip told him he might if he did believe: and was, when he made that confession; intimating that this is the christian faith, which is the foundation of all his hope, and the condition of his baptism, and therefore sufficient for his salvation. For indeed that was the sum of all that Philip preached; for it is said of him, that 'he preached things concerning the kingdom of God, and the name of Jesus Christ[k].' And this was the sum of all that S. Paul preached in the synagogues and assemblies of the people, this he disputed for, this he proved laboriously; that Jesus is Christ, that He is the Son of God, that He did, that He ought to suffer, and rise again the third day: and this was all that new doctrine for which the Athenians and other Greeks wondered at him, and he seemed to them to be a setter forth of strange gods, 'because He preached Jesus and the resurrection[l].' This was it into which the gaoler and all his house were baptized; this is it which is propounded to him as the only and sufficient means of salvation; 'Believe in the Lord Jesus, and thou shalt be saved and all thine house[m].' This thing was illustrated sometimes with other glorious things still promoting the faith and honour of Jesus, as that He ascended into heaven and shall be the judge of all the world. But this was the whole faith; τὰ περὶ τῆς βασιλείας τοῦ θεοῦ, καὶ περὶ ὀνόματος τοῦ Ἰησοῦ Χριστοῦ, 'the things which concerned the kingdom of God, and the name of Jesus Christ,' was the large circumference of the christian faith. That is, such articles which represent God to be our Lord, and Jesus Christ to be His Son, the Saviour of the world; that He died for us, and rose again and was glorified, and reigns over all the world, and shall be our judge, and in the resurrection shall give us according to our works; that in His name only we shall be saved, that is, by faith and obedience in Him, by the mercies of God revealed to the world in Jesus Christ: this is all which the scripture calls necessary; this is that faith alone into which all the church was baptized: which faith, when it was made alive by charity, was and is the faith by which 'the just shall live.'

§ 67. This excellent summary of faith we find also but with a very little paraphrase propounded as sufficient by S. Polycarp in that excellent epistle of his to the Philippians[n], which S. Irenæus[o] so much

[i] [Acts ii. 24; iii. 15.]
[k] [Acts viii. 12, 37, 38.]
[l] [Acts ix. 20; xvii. 2.]
[m] [Acts xvi. 31.]
[n] [cap. i. p. 186.]
[o] [Contr. hær., lib. iii. cap. 3. p. 177.]

commends, *Fidei vestræ firmitas a principio usque nunc permanet, et sanctificatur in Domino Jesu Christo;* 'this is the firmness of your faith from the beginning, which remains unto this day, and is sanctified in Jesus Christ.' This S. Ignatius[p] calls *plenam de Christo cognitionem,* 'a full knowledge concerning Christ:' then he reckons the generation of the Son from God the Father before all worlds, His being born of the Virgin Mary, His holy life, His working miracles, His preaching one God, even the Father, His passion and crucifixion, His death and resurrection, His ascension and sitting at the right hand of God, and that in the end of the world He shall rise again to judge the quick and the dead, and to give to every one according to their works. When he hath recited this, he adds, *Hæc qui plane cognorit et crediderit, beatus est,* 'he that plainly knows these things and believes them is blessed;' and in another epistle[q], after the recitation of such another creed, he adds, 'He that believes these things, is blessed that ever he was born.' Justin Martyr[r] affirms expressly, that if any man should even then live according to the law of Moses (I suppose he means the law of the ten commandments) so that he believe in Jesus Christ crucified, and acknowledge Him for the Christ of God, to whom is given the judgment of all the world, he also shall possess the eternal kingdom.

§ 68. The same creed in more words but no more articles is recited by S. Irenæus in his second and third chapters of his first book[s], saying that 'the church throughout all the world being planted by the apostles to the ends of the earth, and by their disciples, hath received this faith. He of all the prelates that is most powerful in speech cannot say any thing else, for no man is above his master; and he that is weak in speaking cannot say less. For since the faith is one and the same, he that speaks much cannot say more, and he that speaks little must not say less.' And afterwards[t] speaking of some barbarous nations that had not the scriptures, yet having this faith, which he there shortly recites, beginning with belief in God the Father, the maker of the world, and in Jesus Christ, repeating the usual articles of His being born of the Virgin Mary, His being the Son of God, His reconciling God and man, His suffering under Pontius Pilate, His rising again and being received into glory, and His last judgment, he adds, *Hanc fidem qui sine literis crediderunt quantum ad sermonem nostrum barbari sunt, quantum autem ad sententiam et consuetudinem et conversationem propter fidem perquam sapientissimi sunt et placent Deo, conversantes in omni justitia et castitate et sapientia;* 'they who believe this faith are most wise in their sentence and custom and conversation through faith, and they please God, living in all justice, chastity and wisdom.'

§ 69. Here were almost two ages spent by this time, in which

[p] Ad Magnes. [interpol. cap. xi. p. 58.]
[q] Ad Philipp. [cap. iii. p. 113.]
[r] Coll. cum Tryph. [§ 47. p. 142 E.]
[s] [al. cap. 10. pp. 48, 50.]
[t] Lib. iii. cap. 4. [p. 178.]

the most pestilent heresies that ever did trouble the church did arise, in which some of the questions were talked of and disputed, and which afterwards by the zeal of some that overvalued their own forms of speaking, passed into a faction; and yet in all this time, and during all that necessity, there was no more added to the christian creed, no more articles for the condemnation of any new heresy: whatsoever was against this was against the faith; but any thing else they reproved if it were false, but did not put any more into their creed. And indeed they ought not. *Regula quidem fidei una omnino est, sola immobilis et irreformabilis, credendi scil. in unum Deum, &c.*, saith Tertullian[u]; 'the rule of faith is altogether one, and immovable and unalterable: this law of faith remaining other things may be enlarged according as the grace of God multiplies upon us.' But for the faith itself here consigned and summed up, the epistle of Celestine to Nestorius[v] is very affirmative and clear, 'Η πίστις ἡ παραδοθεῖσα παρὰ τῶν ἀποστόλων οὔτε προσθήκην, οὔτε μείωσιν ἀπαιτεῖ, 'the faith or creed delivered by the apostles requires neither addition nor defalcation.' *Neque enim ulla extitit hæresis quæ non hoc symbolo damnari potuit,* 'there was never any heresy but this creed was sufficient for its condemnation,' said the catechism of the archbishop of Triers.

§ 70. This faith passing into all the world was preserved with great sacredness and great simplicity, no church varying from it at all: some, indeed, put some great things into it which were appendages to the former; but the fullest and the most perfect were the creeds of Jerusalem and Rome, that is, the same which the Greek and Latin church use at this day. The first and the most simple forms were sufficient; but these fuller forms being compiled by the apostles themselves or apostolical men, and that from the words of scripture, made no great alteration: the first were not too little, and these were not too much. The first was the thing itself, which was of a declared sufficiency; but when the apostles were to frame an instrument of confession, τύπον διδαχῆς, 'a form of doctrine' by way of art and method, they put in all that they directed by the holy Spirit of God knew to contain the whole faith of a Christian. Now of this form so described, so delivered, so received, the fathers of the church affirm that it is entire and sufficient, and nothing is to be added to it. *Ergo et cunctis credentibus quæ continentur in præfato symbolo salus animarum et vita perpetua bonis actibus præparatur,* said the author of the epistle to S. James, attributed to S. Clement[x], 'to all that believe those things contained in the foresaid symbol or creed, and do good deeds, salvation of their souls and eternal life is prepared.'

§ 71. And therefore this summary of faith was called τύπος διδα-

[u] De veland. virgin., cap. i. [173 A.]
[v] [In concil. Ephes., part. i. cap. 8. tom. i. col. 1303 A.]
[x] [Epist. i. in concill. Harduin., tom. i. col. 44 A.]

χῆς, ὁ κανὼν, ὑποτύπωσις ὑγιαινόντων λόγων, ἀναλογία πίστεως, γαλακτώδης εἰσαγωγὴ, παρακαταθήκη, στοιχεῖα τῆς ἀρχῆς τῶν λογίων τοῦ Θεοῦ, παραδοθεῖσα πίστις· *regula fidei, depositum, breve evangelium,* 'the form or exemplar of doctrine, the canon, a description of sound words, the proportion or measure of faith, the milky way, or the introduction of novices, the elements of the beginning of the oracles of God, the repository of faith, the faith that was delivered to the saints, the rule of faith, that which was entrusted to the church, a short gospel.' These and divers other appellatives of the creed were used by the ancient doctors, most of them taken out of scripture. For what the scriptures did affirm of the whole faith, that the fathers did apply to this creed, as believing it to contain all that was necessary. And as a grain of mustard seed in little contains in it many branches, so also 'this faith in a few words involves all the knowledge' (the necessary knowledge) 'of the Old and New testament,' saith S. Cyril[y]; and therefore he calls this creed *traditionem sanctæ et apostolicæ fidei,* 'the tradition of the holy and apostolic faith.' *Cordis signaculum, et nostræ militiæ sacramentum,* so S. Ambrose[z] calls it, 'the seal of our heart and the sacrament of our warfare.' S. Hierome[a] yet more fully, 'the symbol of our faith and of our hope, which being delivered by the apostles is not written with paper and ink, but in the fleshy[b] tables of our hearts, after the confession of the Trinity and unity of the church.' *Omne christiani dogmatis sacramentum carnis resurrectione concluditur,* 'the whole sacrament of the christian doctrine is concluded with the resurrection of the flesh to eternal life.' *Norma futuræ prædicationis,* so Ruffinus[c] calls it, 'the rule of future preachings' appointed by the apostles; *et hanc credentibus esse regulam dandam statuunt,* 'they appoint this to be given as a rule to all believers:' and again, 'this creed was the token by which he should be known who did preach Christ truly according to the rules of the apostles[d];' the indication of their faith and unanimity. *Comprehensio fidei nostræ atque perfectio,* so S. Austin[e] calls it. *Virtus est sacramenti, illuminatio animæ, plenitudo credentium*[f], 'the illumination of the soul, the fulness of believers, the comprehension and the perfection of our faith. By this the knot of infidelity is untied, and by this the gate of life is opened, by this the glory of our confession is manifested.' It is *tessera et signaculum quo inter fideles perfidosque secernitur,* said Maximus Taurinensis[g]. *Basis quædam, et fundamentum immotum et inconcussum per universum orbem jactum,* so S. Cyril of Alexandria. 'It is a badge and cognizance to distinguish the faithful from the per-

[y] Catech. v. [§ 12. p. 78 C.]
[z] De virgin., lib. iii. [cap. 4. tom. ii. col. 179 B.]
[a] Epist. ad Pammach. [epist., tom. iv. part. 2. col. 323.]
[b] ['fleshly' B, C, D.]
[c] Expos. symbol. [ad calc. Cyprian., p. 17.]
[d] [ibid.]
[e] Serm. cxv. de temp. [al. ccxli. tom. v. append. col. 395 F.]
[f] Serm. cxxxi. [al. ccxlii. col. 397 B.]
[g] De tradit. symb. [Max. bibl. vet. patr., tom. vi. p. 42 G.]

fidious, an immovable foundation laid for all the world, a divine or celestial armour, that all the opinions of heretics may be cut off with this sword alone;' so S. Leo bishop of Rome. I could add very many more to this purpose; who please to require more may see enough in Lucifer Calaritanus, *l. ii. ad Constantium*[h], Paulinus bishop of Nola, *ep. i. ad Afrum*, S. Austin his book *De symbolo ad catechumenos*, *l. i. c.* 1[i], in Ruffinus his excellent exposition of the creed, Eucherius, bishop of Lyons, in his first homily upon the creed, Petrus Chrysologus in his sixty-second homily, Isidore of Seville, *lib. vi. originum*, *c.* 9[k], and in his Offices Ecclesiastical, *l. i. c.* 26, *De Dominica palmarum*[l], Rabanus Maurus, *l. ii. De instit. clericorum, cap.* 56[m], the oration of Bernard Zane in the first session of the council of Lateran[n], in the discourse of the Greeks at the council of Florence, *sess.* 10[o], Cassianus *De incarnatione Domini*, Eusebius Gallicanus in his homilies on the creed published by Gaigneus, chancellor of Paris, in Venantius Fortunatus his explication of it; and he may if he please add the two homilies which S. Chrysostom made upon the creed, and the great catechetical oration of S. Gregory Nyssen[p].

§ 72. Now to what purpose is all this? The apostles compiled this form of words, all churches received them, all catechumens were baptized into this faith, in the Roman church they recited it publicly before their immersion, to this salvation was promised; this was the sacrament of the christian faith, the fulness of believers, the characteristic of Christians, the sign of the orthodox, the sword of all heresies and their sufficient reproof, the unity of belief, sufficient, full, immovable, unalterable; and it is that and that[q] alone in which all the churches of the world do at this day agree.

§ 73. It is true that the church of God did explicate two of the articles of this creed, that of the second, and that of the third Person of the holy Trinity, the one at Nice the other at Constantinople; one against Arius, the other against Macedonius; they did explicate, I say, but they added no new matter but what they supposed contained in the apostolical creed. And indeed the thing was very well done, if it had not been made an ill example; they had reason for what they did, and were so near the ages apostolical that the explication was more likely to be agreeable to the sermons apostolical: but afterwards the case was altered, and that example was made use of to explicate the same creed, till by explicating the old they have inserted new articles.

§ 74. But all the while it is consented to on all hands, that this only faith is sufficient. What can certainly follow from these infallible articles is as certainly true as the articles themselves, but yet not so to be imposed, because it is not certain that this or this explication is right, that this consequent is well deduced; or if it be certain to

[h] [In max. bibl. vet. patr., tom. iv. p. 211 sq.]
[i] [tom. vi. col. 547.]
[k] Cap. 19. § 57, 8. tom. iii. p. 288.]
[l] [al. cap. 28. tom. vi. p. 395.]
[m] [Concill., tom. vi. p. 31.]
[n] [tom. ix. col. 1602.]
[o] [tom. ix. col. 124.]
[p] [tom. iii. p. 43 sqq.]
[q] ['and that' deest—C, D.]

you, it is not so to me; and besides, it is more an instrument of schism than of peace, it can divide more than it can instruct, and it is plainly a recession from the simplicity of the christian faith, by which simplicity both the learned and the ignorant are the more safe. *Turbam non intelligendi vivacitas, sed credendi simplicitas tutissimam facit*[1]: and when once we come to have the pure streams pass through the limbecs of human wit, where interest, and fancy, and error, and ignorance, and passion are intermingled, nothing can be so certain, though some things may be as true; and therefore here the church does rest, here she finds peace; her faith is simple, easy and intelligible, free from temptation, and free from intrigues; it is warranted by scripture, composed and delivered by the apostles, entertained by all the world. In these they do agree, but in nothing else but this, and in their fountain, the plain words of scripture.

§ 75. For all the rest, it is abundant to all excellent purposes. It can instruct the wise, and furnish the guides of souls with treasures of knowledge, and employ the tongues and pens of the learned; it can cause us to wonder at the immensity of the divine wisdom, and the abyss of revelation; it is an excellent opportunity for the exercise of mutual charity in instructing and in forbearing one another, and of humility and patience and prayer to God to help our infirmities, and to enlighten us more and more in the knowledge of God. It is the great field of faith where she can enlarge herself; but this is the house of faith where she dwells for ever in this world.

§ 76. So that for any other thing of the religion it is to be believed so far as it does appear to be the word of God, and by accidents and circumstances becomes of the family or retinue of faith: but it is not necessary to be believed for itself; unless it be for something else it is not necessary at all. A man may be saved without knowing any thing else, without hearing of any thing, without enquiring after any thing, without believing any thing else, provided that in this faith he live a good life. But because sometimes a man is by the interests of a good life required to know more, to enquire after more, and to learn more, therefore upon the stock of obedience more may be necessary; but not upon the account of faith. So that if some men do not read the scriptures, and study them, and search into the hidden things of God, they sin against justice or charity, but not against faith if they retain all the articles of the apostles' creed: and a man may be extremely to blame if he disbelieve many other things; but it is because upon some evil account he disbelieves it, and so is guilty of that sin which is his evil principle, as of pride, ambition, lust, covetousness, idleness, fear or flattery; but a man is not in any such case guilty of heresy. For heresy being directly opposed to faith, and faith being completed in the articles of the christian creed, it cannot be heresy unless it be a contradicting of one of those articles, in the words or in the sense, in the letter or in the plain,

[1] August. contra epist. Fundam., cap. 4. [tom. viii. col. 153 B.]

visible, certain, and notorious explication of it. In the apostolical creed all the christian world is competently instructed; in these there is no dispute, and if they be simply believed as they are plainly delivered, it is the better. But in every thing else, every man according to his calling and abilities is to grow as much as he can in knowledge; that is, in edifying and practical knowledge: but in all things of speculation, he that believes what he sees cause for, as well and as wisely, as heartily and as honestly as he can, may be deceived, but cannot be a heretic, nor hazard his salvation. *Salus ecclesiæ non vertitur in istis; . . in simplicitate fides est, in fide justitia; . . nec Deus nos ad beatam vitam per difficiles quæstiones vocat: . . in expedito et facili nobis est æternitas,* said S. Hilary[k]: 'faith is in simplicity, and righteousness in faith; neither does God call us to eternal life by hard questions: eternity stands ready and easily prepared.'

§ 77. For I consider, if any thing else were necessary to be believed unto salvation, this symbol could absolutely be of no use; but if any thing be added to it and pretended also to be necessary, it cannot be entertained, unless they that add it and impose it be infallible in their judgment and competent in their authority: they must have authority equal to that of Christ, and wisdom equal to that of the apostles. For the apostles in this summary of faith declared all that was at that time necessary; and if any man else makes a new necessity he must claim Christ's power, for He only is our lawgiver: and if any declares a new necessity, that is not sufficient, unless he can also make it so, for declaring it supposes it to be so already; and if it was so at first the apostles were to blame not to tell us of it, and if it was not so at first who made it so afterwards?

§ 78. But it is infinitely necessary that for the matter of faith, necessary and sufficient faith, we rest here and go no further. For if there can be any new necessities, then they may for ever increase, and the faith of a Christian shall be like the moon, and no man can be sure that his faith shall not be reproved: and there shall be innumerable questions about the authority of him that is to add, of his skill, of his proceeding, of the particular article, of our own duty in enquiring, of our diligence, of our capacity, of the degrees of our care, of the competency of instruments, of choosing our side, of judging of questions: and he that cannot enquire diligently, and he that cannot judge wisely, and he that cannot discern spirits, and he that fears and he that fears not, shall all be in danger, and doubt, and scruple, and there shall be neither peace of minds nor churches, as we see at this day in the sad divisions of christendom; and every man almost damns all but his own sect, and no man can tell who is in the right. Men dispute well on both sides, and just and good and wise men are opposed to one another; and every man seems confident, but few men have reason; and there is no rest, and there can be none, but in this simplicity of belief which the apostles recom-

[k] De Trin. [vid. lib. xi. col. 1080 E.]

mended to all the world, and which all the world does still keep in despite of all their superinduced opinions and factions; for they all retain this creed, and they all believe it to be the summary of faith.

§ 79. But the church of Rome pretends to a power of appointing new articles of faith; and for denying this pope Leo the tenth condemned Luther in his bull added to the last council in Lateran[l]. For *ad solam auctoritatem summi pontificis pertinet nova editio symboli*, 'a new edition of the creed belongs to the sole authority of the pope of Rome,' so Aquinas[m]: and Almain[n] most expressly, 'The popes of Rome by defining many things which before lay hid, *symbolum fidei augere consuevisse*, are wont to enlarge the creed[o].' For *doctrina fidei admittit additionem in essentialibus*, saith Salmeron[p], 'the doctrine of faith admits addition even in essential things.' And in consequence to these expressions they did add the article of the procession of the holy Ghost from the Son, in a synod at Gentilli in France[q]; and twelve articles to the creed in the council of Trent, with the preface and postscript of the Athanasian creed, damning all that do not equally believe the creed of Trent as the creed of the apostles.

§ 80. What effect and impress the declaration of any article by the church hath or is to have upon the conscience shall be discoursed under the title of ecclesiastical laws; but that which is of present enquiry is, whether any thing can be of divine faith in one age that was not so in the age of the apostles: and concerning this it is that I say that it is from the premises evident that nothing can make any thing to be of divine faith but our blessed Lord himself, who is therefore called 'the author and finisher of our faith;' He began it, and He made an end. The apostles themselves could not do it, they were only stewards and dispensers of the mysteries of God; they did rightly divide the word of life, separating the necessary from that which was not so: so that their office in this particular was only to declare what was necessary and what was not; no man, and no society of men could do this but themselves, for none but they could tell what value was to be set upon any proposition: they were to lay the foundation, and they did so, and they built wisely upon it; but when they commanded that we should keep the foundation, they only could tell us which was it, and they did so by their sermons, preaching the same doctrine to the simple and the crafty, and by immuring

[l] [Concil. Lat. V. tom. ix. col. 1894.]

[m] 2 2ae. q. i. a. 10. [tom. xi. fol. 7 a.]

[n] [He however expressly denies such a right to belong to the pope,—In 3 sent. dist. xxv. dub. 3. fol. 80, 1. et de auct. eccles., cap. 12. fol. 61.]

[o] August. Triumph. de Ancona, [summ. de potest. eccles.] quæst. lix. art. i. [p. 309 A. ed. fol. Rom. 1582.] Novum symbolum condere solum ad papam spectat.. qui est caput fidei christianæ, cujus auctoritate omnia quæ ad fidem spectant firmantur et roborantur. Idem art. 2. [p. 310 E.] Sicut potest novum symbolum condere, ita potest novos articulos supra alios multiplicare.

[p] Tom. xiii. part. 3. disp. 6. § 'Est ergo.' [p. 208.]

[q] [A.D. DCCLXVII., concill., tom. iii. col. 2011.]

the necessary doctrine in a form of words, and consigning it to all the churches where they preached the gospel.

§ 81. For we see that all the world is not able to tell us how much is necessary, and how much is not, if they once go beside the apostles' creed: and yet it was infinitely necessary that at first this should be told, because there were so many false apostles, and every one pretended authority or illumination, and every one brought a new word and a new doctrine; and the apostles did not only foresee that there would be, but did live to see and feel the heresies and the false doctrines obtruded upon the church, and did profess it was necessary that such false doctrines should arise: and against all this that they should not provide an universal remedy, is at no hand credible, and yet there was none but the creed; this all the church did make use of, and professed it to be that summary of faith which was a sufficient declaration of all necessary faith, and a competent reproof of all heresies that should arise.

§ 82. But then that after all this any one should obtrude new propositions, not deducible from the articles of the creed, not in the bowels of any article, neither actually expressed nor potentially included, and to impose these under pain of damnation, if this be not κυριεύειν τῆς πίστεως, which S. Paul[r] said he had no power to do, 'to have dominion or lordship over the faith,' and κατακυριεύειν τῶν κλήρων, 'to lord it over God's heritage,' which S. Peter[s] forbad any man to do, I confess I do not understand the words, nor yet saw or ever read any man that did. I conclude this with those excellent words of Justinian which are in the code[t], part of the imperial law by which almost all the world was long governed: ὀρθὴ καὶ ἀμώμητος πίστις, ἥνπερ κηρύττει ἡ ἁγία τοῦ Θεοῦ καθολικὴ καὶ ἀποστολικὴ ἐκκλησία, κατ' οὐδένα τρόπον καινισμὸν δεξαμένη, 'this right and irreprehensible faith,' (speaking of the apostolical creed, part of which he there recites,) 'which the holy catholic and apostolic church of God does preach, can by no means receive any innovation or change.'

§ 83. I conclude therefore this question: in our enquiries of faith no man's conscience can be pressed with any authority but of Christ enjoining, and the apostles declaring what is necessary. I add also, that the apostles have declared it in this form of words which they have often set down in their writings, and which they more largely described in their symbol of faith. For since, as Sixtus Senensis[u] says, *omnes orthodoxi patres affirmant symbolum ab ipsis apostolis conditum,* that 'all the orthodox fathers affirm the creed to be made by the apostles,' and they also say this is a sufficient rule of faith for all Christians; here we ought to rest our heads and our hearts, and not to intricate our faith by more questions. For as Tertullian[x] said

[r] [2 Cor. i. 24.] [s] [1 Pet. v. 3.] [t] Cod. lib. i. de sum. Trinit. § 'Cum recta.' [lib. i. tit. 1. § 5. col. 4.] [u] Lib. ii. biblioth. [ad hoc, 'Apostolorum symbolum,' tom. i. p. 65.] [x] Advers. hæret., cap. xiv. [p. 207 A.]

well, *Hæc regula a Christo, ut probabitur, instituta, nullas habet apud nos quæstiones nisi quas hæreses inferunt, et quæ hæreticos faciunt;* 'heretics make disputes, and disputes make heretics, but faith makes none.' For if upon the faith of this creed all the church of God went to heaven, all I mean that lived good lives, I am sure Christ only hath the keys of hell and heaven, and no man can open or shut either but according to His word and His law; so that to him that will make his way harder by putting more conditions to his salvation, and more articles to his creed, I may use the words of S. Gregory Nazianzen[y], *Tu quid salute majus quæris? gloriam nempe quæ illic est et splendorem: mihi vero maximum est ut salver, et futura effugiam tormenta. Tu per viam incedis minime tritam et incessu difficilem: ego vero per regiam, et quæ multos salvavit;* 'what dost thou seek greater than salvation?' (meaning by nice enquiries and disputes of articles beyond the simple and plain faith of the apostles' creed[z]) 'It may be thou lookest for glory and splendor here. It is enough for me, yea the greatest thing in the world, that I be saved and escape the torments that shall be hereafter. Thou goest a hard and an untrodden path: I go the king's highway, and that in which many have been saved.'

RULE XV.

IN THE LAW OF CHRIST THERE IS NO PRECEPT THAT WHOLLY MINISTERS TO THE LAW OF MOSES; BUT FOR A TIME ONLY AND LESS PRINCIPALLY.

§ 1. THIS rule I received from S. Irenæus[a], and they are his words as near as I could translate them: '*In lege Christi non est ullum præceptum veteri tantum legi inserviens, nisi ad horam et minus principaliter.* For our blessed Saviour descended like rain upon a fleece of wool, and made no violent changes, but retained all the morality that He found amongst His countrymen; He made use of their propositions, spake their proverbs, united their ejaculations into a collect of His own; for almost every word of the Lord's prayer was taken from the writings of the pious men of their nation; He changed their rites into sacraments, their customs into mysteries, their washings He made our baptism, their paschal supper He converted into the holy eucharist: and still because He would be understood by them He retained the mosaic words when He delivered a christian precept; for He knew His Father would send His holy Spirit to be an infallible interpreter; and when the types of Moses passed into

[y] [Orat. xxxii. § 25. tom. i. p. 596 C.] [vol. v. p. 371 sqq.]
[z] See 'Liberty of Prophesying,' sect. 1. [a] [vid. lib. iv. cap. 16. p. 247.]

the substance of Christ, then the typical words also would be expounded in the senses of the evangelical duties.

§ 2. For indeed it is not reasonable to suppose that our blessed Saviour, who came to fulfil the law in His own person, and to abolish it in His disciples, to change the customs of Moses, and to be an eternal lawgiver in the instances of moral and essential natural rectitudes, would give a new commandment to confirm an old precept which Himself intended to extinguish. No man puts a piece of new cloth to an old garment, nor a new injunction to an abrogated law; that is, no wise master-builder holds up with one hand what he intends to pull down with both: it must therefore follow that whatever Christ did preach and affirm and exhort, was always expressed in the words of the law, yet wholly relative to the duty and signification of the gospel. For that which S. Hilary[b] said of the words of scripture is particularly true in the sense now delivered of the sermons of Christ: *Sermo enim divinus secundum intelligentiæ nostræ consuetudinem naturamque se temperat, communibus rerum vocabulis ad significationem doctrinæ suæ et institutionis aptatis: nobis enim non sibi loquitur, atque ideo nostris utitur in loquendo:* 'God speaks to us and not to Himself; and therefore He uses words fitting to our understandings: by common and usual expressions, and such as were understood, He expressed precepts and mysteries which otherwise were not to be understood.'

§ 3. Thus when our blessed Saviour delivers the precept of charity and forgiveness He uses this expression, "When thou bringest thy gift unto the altar, and there rememberest that thou hast any thing against thy brother, leave thy gift at the altar, go and be reconciled to thy brother, and then come and offer thy gift." If Christ had said, 'When thou comest to the Lord's supper and hast any thing against thy brother,' &c., He had not been understood: but because we know this is an eternal precept, part of a moral and eternal excellency, a duty of christianity, and a portion of Christ's institution, and we know that Christ pulled down the Jewish altars and the sacrifice of beasts by the sacrifice of His eternal priesthood, and we also are sufficiently instructed by what instruments and by what ministries the memory of that is conserved and the benefits of it conveyed; therefore we also are sure that by these words Christ intended to command us to be at peace with our brother, and with our enemy, when we come to offer prayers and to celebrate the memorial of His eternal sacrifice.

§ 4. So when our blessed Saviour told the parable of Dives and Lazarus, and intended to represent unto His disciples that we are to expect salvation by the ordinary ministries of the church, and not to expect it by the way of miracle and extraordinary dispensation, He was pleased to say, "They have Moses and the prophets, let them hear them[c]." This was all which could be said to them whose scriptures

[b] In Psal. cxxvi. [col. 416 C.]

[c] [Luke xvi. 29.]

were completed in the writings of Moses and the prophets: but when our great Master had by His holy Spirit and by His apostles and disciples perfected another instrument of salvation and repository of divine truths, the proposition is to be enlarged to these. They have Christ and His apostles, they have the gospels and epistles, let them hear them; for if they will not hear and obey them speaking in the scriptures, neither will they be converted though one arise from the dead, and appear to them in the terrible dresses of affrightment.

§ 5. When Christ whipped the buyers and sellers out of the temple, and urged the words of the prophet, "My Father's house shall be called the house of prayer to all nations; but ye have made it a den of thieves[d]:" although this was spoken to the Jews and of their temple, yet Christ, who knew this temple was to be destroyed, and not a stone left upon a stone, intended the piety of His commandment should last longer than the dying temple; and therefore it is to be translated wholly to the christian sense. And although He would not have the temple profaned so long as it was standing and used for prayer and divine service, *ad horam*, as S. Irenæus his expression is, even 'for an hour,' taking care of that because it was a holy place: yet the sacredness and holy usage of the temple was less principally intended, but principally Christ regarded the christian oratories and separate places of devotion; that where God by public appointment and the laws was to be worshipped, there the affairs of the world should not intrude by the interests of a private and a profane spirit.

RULE XVI.

THE LAWS OF JESUS CHRIST ARE TO BE INTERPRETED TO THE SENSE OF A PRESENT OBEDIENCE ACCORDING TO THEIR SUBJECT MATTER.

§ 1. THAT which is true to-day will be true to-morrow, and that which is in its own nature good or necessary any day is good or necessary every day: and therefore there is no essential duty of the religion but is to be the work of every day. To confess God's glory, to be His subject, to love God, to be ready to do Him service, to live according to nature and to the gospel, to be chaste, to be temperate, to be just, these are the employment of all the periods of a Christian's life. For the moral law of the religion is nothing but the

[d] [Mark xi. 17; Matt. xxi. 13; Luke xix. 46.]

moral law of nature, (as I have already proved[e].) *Naturaliter lex nostra est lex pietatis, justitiæ, fidei, simplicitatis, charitatis, optimeque instituta,* said Cardan[f]: and again[g], *Christiani Jovem junctum habent cum sole, illiusque diem colunt dominicum: Sol autem significat justitiam et veritatem, christiana autem lex plus continet veritatis, et simpliciores reddit homines:* 'the christian law is nothing else but a perfect institution of life and understanding, it makes men wise, and it makes them good; it teaches wisdom, and it teaches justice; it makes them wise and simple, that is, prudent and innocent, and there is no time of our life in which we are permitted to be otherwise.' Those who in the primitive church put off their baptism till the time of their death, knew that baptism was a profession of holiness, and an undertaking to keep the faith, and live according to the commandments of Jesus Christ; and that as soon as ever they were baptized, that is, as soon as ever they had made profession to be Christ's disciples, they were bound to keep all the laws of Christ: and therefore that they deferred their baptism was so egregious a prevarication of their duty, that as in all reason it might ruin their hopes, so it proclaimed their folly to all the world. For as soon as ever they were convinced in their understanding, they were obliged in their consciences. And although baptism does publish the profession, and is like the forms and solemnities of law; yet a man is bound to live the life of a Christian as soon as ever he believes the doctrine and commandments of christianity; for indeed he is obliged as soon as he can use reason, or hear reason. The first things a man can learn are some parts of christianity, not to hurt any one, to do all that he can understand to be good; that is, as soon as ever he begins to live like a rational creature, so soon he begins to live as Christ commanded: and since baptism (as to this relation and intention of it) is nothing else but the publication of our undertaking to do that which in our very nature and by the first and universal laws of God to mankind we are obliged, to refuse to be baptized, or to defer it, is nothing but a refusing or deferring to own our natural obligation, a denying or not accepting the duty of living according to the law of nature; which deferring, as it must needs be the argument of an evil man, and an indication of unwillingness to live worthily, so it can serve really no prudent ends to which it can fallaciously pretend. For christianity being in its moral part nothing but the perfection of the natural law, binds no more upon us than God did by the very reason of our nature. By the natural law we are bound to live 'in holiness and righteousness all the days of our life[h],' and so we are by the christian law, as appears in the song of Zechary and in very many other places: and therefore although when some of our time is elapsed and lost in carelessness and folly, the goodness of God will

[e] Chap. i. and chap. ii. of this book.
[f] [In Ptolemæum.] de astror. jud., lib. ii. [cap. 9.] text. 54. [tom. v. p. 221, opp. fol. Lugd. 1663.]
[g] [text. 18. p. 189.]
[h] [Luke i. 75.]

admit us to second counsels, and the death of Christ and His intercession will make them acceptable; yet christianity obliges us to obedience as soon as the law of nature does, and we must profess to live according to christianity as soon as we can live by the measures of the natural law, and that is even in the very infancy of our reason; and therefore baptism is not to be deferred longer: it may be sooner, because some little images of choice and reason, which must be conducted by the measures of nature, appear even in infancy; but it must not be deferred longer; there is no excuse for that, because there can be no reason for so doing, unless where there is a necessity, and it can be no otherwise.

§ 2. The effects of this consideration are these.

1) All the negative precepts of Christ's law are obligatory in all persons, and all periods, and all instances. *Nunquam licuit, nunquam licebit,* 'it was and is and ever will be unlawful,' to do any action which God forbids to be done: and therefore to say I will be chaste when I am old, I will be temperate when I am sick, I will be just when I am rich, I will be willing to restore when I die, is to measure eternity by time, and to number that which is not. In negatives there is neither number, nor weight, nor measure: and not to kill, not to blaspheme, not to commit adultery hath no time, and hath no proportion.

§ 3. 2) This is also true in the positive commandments of Christ, in respect of the inward duty; that is never to be deferred. The charity of alms, the devotion of prayer, piety to our parents, love of God, love of our neighbour, desires to do justice; these are not limited to times and opportunities. The habits of them and the dispositions to action, the readiness and the love, must for ever be within; because these are always possible, and always good, and always necessary, and therefore cannot have accidental determinations from without: being works of the inward man, they depend only upon the grace of God and the will of man, and that never fails, if this does not; and therefore are always possible unless we will not; but they are always necessary, whether we will or no.

§ 4. 3) The external actions of duty are determinable from without, and by things which are not in our power, and by things which will not happen always, and in some instances by our own will and mere choice. Thus a man is bound actually to restore but in certain circumstances; but to be ready and to love to do it, he is always bound. To say our prayers is limited by time and place, by occasions and emergent necessities, by use and custom, by laws and examples: but to depend upon God, to expect all good from Him, to glorify Him, to worship Him with all our heart, is not limited, but may be done in all the actions of our life, by actual application or habitual intention, by secret purpose or by open profession, by obedience and by love, or by the voice and hand. For to 'pray continually,' which is the precept of our blessed Saviour, is obliga-

tory in the very letter, in proportion to the natural possibilities and measure of a man; that is, in all our actions we must glorify God, which is one of the parts of prayer, and we must endear His blessing, which is the other. But to kneel, or to speak, or actually to think a prayer, being the body of this duty and determinable by something from without, receives its limit according to the subject matter, that is, when we are commanded, and when we have need, and when we can, and in the proper season of it.

§ 5. This rule is also otherwise explicated, by distinguishing the affirmative precepts of Christ into universal and particular. Particular precepts are to be acted only in their proper determinations, in special times, and pertinent occasions, because they are always relative to time and place, or person; they have a limited effect, and are but parts of a good life, and therefore cannot alone work out our salvation, but must give allowance of time and action to others, of the like particular and limited nature and effect.

§ 6. But this is otherwise in the universal and diffusive, or transcendent precepts of the religion, though they be affirmative. He that shall say that because to love God is an affirmative precept, that it is only obligatory in certain accidents, and times, and cases, and that therefore we are not always bound to love God, by the impiety of his conclusion reproves the folly of his proposition. Neither is it sufficient to say that we are indeed always bound to the habitual love of God, but not always to the actual; not always to do an act of the love of God. For the love of God does not consist only in the fancy or the passionate part, neither is it to be measured by the issues of any one faculty: and though we are not bound to the exercise of an act of passion, or intuition, or melting affection, that is, we are not always tied to a limited, particular, single effect of one grace, in all times, yet we are bound to do an act of love to God when we are bound to do any act at all; for all our religion, and all our obedience, and all our conversation is wholly to be conducted by the love of God: and although to love God be an affirmative commandment, yet because it is a transcendent or universal precept, and includes in it all those precepts, which by binding at several times fill up all our time, and every of them being an act of obedience is consequently an act and instance of our love to God; it follows, that there is no time in which we are not bound to love God, and to exercise acts of this grace does not depend upon times and circumstances.

§ 7. Upon the accounts of this rule it is very opportune, and certainly very useful, to enquire concerning the duty of repentance; for upon this article the whole question of late or death-bed repentance will depend, and consequently the eternal felicity or infelicity of mankind: and therefore I have reason to reckon this to be the greatest case of conscience in the whole world, and it will appear so both in the event of the discourse, and in the event of things.

QUESTION I.

§ 8. At what time precisely is every sinner bound to repent of his sins, so that if he does not repent at that time, he commits a new sin?

§ 9. To this question of 'at what time' the church of Rome answers, 'at what time soever.' For repentance is as the precept of baptism and prayers. Neither this day nor to-morrow precisely is it necessary to be baptized, but sometime or other; and if we pray half an hour hence, it is as much obedience as if we fall upon our knees at the instant of the proclamation. Add to this, that since repentance (besides that it is an affirmative commandment) is also a punitive[i] duty, it is generally agreed upon *Neminem in conscientia donec condemnetur ad pœnam exsolvendam teneri,* 'no man is bound to undergo his punishment, till the instant that the law determines him:' and therefore when he is required, when the day of humiliation comes, when there is danger that if it be not now done it will not be done at all, then let the sinner look to it, then he must repent, it cannot be any longer put off. This is the doctrine of the Roman schools, and of some others, which they have pursued to dangerous and horrid propositions.

§ 10. Scotus and his scholars say a man is bound to repent upon holidays, as upon Christmas, Whitsuntide, or at Easter to be sure. But Sotus and Medina very confidently reprove this proposition as too severe, for this reason, because the church having appointed many holidays, yet when she explicates the doctrine of repentance, she did suppose it to be sufficient to compel the sinner to repent once by the year: and although the end why the festivals are ordained is the inward sanctification of the soul, *hæc tamen non est id quod per præceptum de observatione festorum injungitur,* 'this is not it which was enjoined by the precept concerning festivals,' saith Reginaldus[j]. 'For the church,' saith he, 'commanded only the means to this interior holiness; so that if you do the outward work, it matters not (as to the precept of the church) whether that end be acquired or no: you disobey the church if you do not hear mass; but though you be never the better, so you do but hear mass she does not find herself grieved.'

§ 11. By the way, it is observable that Scotus and the more severe part of them, which affirm a man to be bound to repent on every holiday, do not intend to say that by the law of God men are so bound, but by the law of the church only. Medina and the looser part deny the church to have determined this affirmative and indefinite commandment of repentance to so much severity. But as to the law of God, they all pronounce a man to be free to repent once for all; once he must, but when that once shall be God hath not set down: and since God left it at the greatest liberty, they do not

[i] ['primitive' B, C, D.]

[j] Vide Reginaldum in praxi fori pœnitent., lib. v. de contritione, cap. 2. sect. 4. [n. 22. tom. i. p. 206. ed. fol. Mogunt. 1617.]

believe that the church is so severe as some pretend, neither do they think it fit she should; but if they never repent till the article of death, they prevaricate no command of God. For *Vera, atque adeo, ut expressit Navarrus in Enchir. cap. i. n.* 31, *omnium communis sententia est, tempus in quo peccator conteri tenetur (intellige per se, seu vi specialis præcepti de contritione a Deo dati) esse imminentem articulum mortis naturalis, vel violentæ,* so Reginaldus[k]: 'the true and common opinion of all men is that the time in which a sinner is bound to have contrition for his sins (meaning in respect of any divine commandment) is the article of imminent death, whether natural or violent.' And in the meantime 'there is no precept commanding that a sinner should not persevere in enmity against God: there is no negative precept forbidding such a perseverance.' Nay worse, if worse be possible, 'even to resolve to defer our repentance,' *velle pœnitentiam differre, nolleque nisi ad aliquod tempus pœnitere*[l], 'and to refuse to repent till such a day, is but a very little sin,' saith Sotus; 'it is none at all,' saith Medina, it is neither an act of impenitence nor at all unlawful.

§ 12. These are sad stories to be told and maintained by christian families, but therefore the more carefully to be looked to, because it is concerning the sum of affairs, and an error here is worse than an oversight in a day of battle: for repentance being the remedy for all the evils of our soul, if the remedy be ordered so as that it come too late, or deferred till the disease increase to an intolerable and an incurable evil, the state of our soul must needs be without remedy; and that in our philosophy is equivalent to desperation.

§ 13. But before I reprove these horrid doctrines, which so entirely and without dispute prevail in some churches, I am to say two things. 1) If God hath left the time of our repentance and return so wholly without care and provision, though by the doctrine of some Roman doctors the church hath been more careful of it and more severe than God himself, yet neither the care of the church, nor the ordinary provisions and arrests made by God, can ever be sufficient to cause men to live well in any tolerable degree. For if God binds you only to repent in the day of your death, or if He to hasten it will affright you with a popular judgment upon the neighbourhood, all those that escape the sickness, and all that have but little or no reason to fear it, and all those that can fly from it, shall not repent, and indeed shall not be tied to it. And if we consider the event and impressions usually made upon our cities and villages by any popular judgment, we shall find so very many to be unconcerned, that if this be the time of repentance, the duty will upon this account go but slowly forward: very many shall have no need to do it, and none will do it but they that have; and if the fear of imminent death be the only period, we may easily perceive what ill provisions are made for repentance, when even dying men will hardly believe that

[k] Lib. v. cap. 2. sect. 4. [n. 23.] [l] Idem, sect. 3. [n. 21.]

they shall die yet, but hope for life, till their hopes and powers of working expire together. But then because it is pretended that the church hath made better provisions, and tied all men to communicate at Easter, and consequently to repent by way of preparation to the holy communion; I consider that the church can only tie them to the outward signification of repentance, as confession, and the appendages of that entercourse; and if they omit the inward and more spiritual and essential part of this great duty, they may for this sin as well as for all the other repent in the day of death, and that is sufficient for the performance of the divine commandment. And since the church requires no more but a periodical and a ritual repentance, the repentance of a Christian will be like the Persian feast, which they called *vitiorum interitum*, 'the destruction of impiety;' upon the anniversary of which feast they killed all the venemous creatures they could find, but they let them alone to swarm till that day came again: and that is the event of these ritual and anniversary repentances; at a set time there is a declamation made against sin, and some significations of the evil of it expressed, but when the solemnity is over, it returns in all the material instances; and there is no help for it in this doctrine, nor in the customs and usages of those churches that entertain it. So that this doctrine must be acknowledged as a destroyer of good life: and though I know no artifices of escape from this that are made use of, yet if there were, we are not to consider what is talked amongst schoolmen to excuse the objection and to maintain the faction, but what is really and materially the event of it, as it is every day observed in the manners of men.

§ 14. 2) The other thing which I was to say is this, that this doctrine of the Roman schools, which is the common sentence of them all, cannot be directly confuted, unless we fall upon this proposition, that a man is positively and directly bound to repent of his sin as soon as ever he hath committed it.

§ 15. For if there be not something in the nature of sin that must not be retained at all, if there be not much in the anger of God that must not be endured at all, if there be not obligations to the service of God that must not be put off at all, if there be not great regards concerning the love of God without which we must not live at all, and lastly, if there be not infinite dangers in our life, and that every putting our repentance off exposes it to the inexcusable danger of never having it done at all; then it must follow that repentance obliges no otherwise than alms, or saying our prayers: it is to be done in its proper season, and the consequent of that will be, that so it be done at all we are safe enough if it be done at any time; and if you can defer it till to-morrow you may also put it off till the next day, and so until you die. And there is no avoiding it, as is evident to all rational and considering persons; for to-morrow and to-day are both alike as to the affirmative command, and by God's law we are not bound to it till the day of our death, if we be not bound to it

every day. We must therefore choose our proposition. Does God give us leave if we have sinned to dwell in it, to forget our danger, to neglect the wound that putrifies? Is He pleased that we for whom He hath given His Son, we whom He hath adopted into His family and made members of Christ, we to whom He perpetually gives His grace, whom He invites by His promises and calls by His preachers every day, and affrights by His threatenings every hour, and incites by His spirit, and makes restless by the daily emotions of an unquiet conscience; that we whom He every day obliges, and no day neglects to do something towards our amendment and salvation; is He, I say, pleased that we should in despite or contempt of all this abide in His displeasure, and dwell in that state of evil things, that if on any hour of so many days, and weeks, and months, and years, we chance to die, we die again and die for ever? Is this likely? Does God so little value the services of our life, the vigour of our youth, the wisdom of our age, the activity of our health, the employment of our faculties, the excellency of our dwelling with Him? Does He so little estimate the growth in grace, and the repetition of holy acts, the strength of our habits and the firmness of our love, that He will be satisfied with an accidental repentance, a repentance that comes by chance, and is certain in nothing but that it certainly comes too late? But if we may not defer our repentance to the last, then we must not defer it at all, we must not put it off one day: for if one, then twenty, if twenty, then twenty thousand; there is no reason against one but what is against all: but if we may not stay a thousand days, then not one hour, and that is the thing I shall now contend for.

§ 16. 1) I remember an odd argument used by Reginaldus[m] to prove that a man is not bound to be contrite for his sins as soon as he remembers them, 'because,' says he, 'if he were, then it were but ill provided by God and the church that preachers should call upon men to confess their sins, to be sorrowful for them, and utterly to leave them: for there is no question but such discourses will often remind us of our sins; and if we were then tied to repent, and did sin by not repenting, then such preachings would be the occasion of many sins, and the law would be an intolerable commandment, and Christ's yoke not to be endured; because men do not find it so easy to repent upon every notice:' so he. But this consideration turned with the right end forwards is an excellent argument to enforce the duty which I am now pressing of, a present actual repentance. For does God send preachers who every day call upon us to repent, and does not God intend we should repent on that day He calls to do it? Do the prophets and preachers of righteousness bid us repent next year? Have they commission to say, it were well and convenient if you would repent to-day; but you do not sin if you stay till next year, or till you are old, or till you die? To what purpose, then, do they preach? Does not God require our obedience? Do we not

[m] Ubi supra, sect. 3. [n. 19. p. 206.]

sin if the preachers say well and right, and we do it not? Is there any one minute, any one day, in which we may innocently stay from the service of God? Let us think of that. Every day on which a sinner defers his repentance, on that day he refuses to be God's servant; and if God does command his service every day, then he every day sins on which he refuses. For unless God gives him leave to stay away, his very staying away is as much a sin as his going away, that is, his not repenting is a new sin.

§ 17. And if by way of objection it be enquired by what measures or rules of multiplication shall such sins be numbered; whether by every day, and why not by every night, or why not by every hour, or every half hour; I answer, that the question is captious and of no real use, but to serve instead of a temptation. But the answer is this, α) that the sin of not repenting increases by intension of degrees, as the perpetuity of an act of hatred against God. He that continues a whole day in such actual hostility and defiance increases his sin perpetually, not by the measures of wine and oil, or the strokes of the clock, but by spiritual and intentional measures; he still more and more provokes God, and in the eternal scrutiny God will fit him with numbers and measures of a proportionable judgment. β) The sin of not repenting is also multiplied by extension; for every time a man does positively refuse to repent, every time a man is called upon or thinks of his duty and will not do it, every such negative is a new sin, and a multiplication of his scores: and it may happen that every day that may become twenty sins, and in a short time rise to an intolerable height.

§ 18. 2) He that remembers he hath committed a sin, either remembers it with joy or with displeasure. If with displeasure, it is an act of repentance, if with joy, it is a new sin; or if it be with neither, the man does not consider at all. But if it abides there, the sin will be apt to repeat its own pleasures to the memory, to act them in the fancy, and so endear them to the heart: and it is certain that all active considerations declare on one side or other, either for the sin or against it; and the devil is not so backward at tempting, and the pleasure of the sin is not so unactive, but if ever it be thought upon without sorrow, it cannot easily be thought upon without some actual or potential delight: and therefore he that repents not, does sin anew. He that hath stolen is bound presently to restore if he can, and when it is in our hand it must also be in our heart to restore, and the evil must not be suffered so much as for an hour to dwell upon the injured person: so it is in the restitution of our hearts and our affections to God, there is an injustice done to God all the way by our detaining of His rights, the injury is upon Him, He complains that we will not come in, and is delighted if we come speedily. Restitution therefore must be made presently; and for the satisfaction and amends for the wrong besides, God may longer expect, even till the day of its proper period.

§ 19. 3) Does not God every day send something of His grace upon us? does He not always knock at the door of our hearts, as long as the day of salvation lasts? does not He send His spirit to invite, His arguments to persuade, and His mercies to endear us? would He have any thing of this lost? is it not a sin once to resist the holy Spirit? and he that remembers his sin, and knows it is an offence against God, and yet does not repent at that thought and that knowledge, does not he resist the holy Spirit of God, so moving, so acting, so insinuating? is not every good sermon a part of the grace of God? *Qui monet, quasi adjuvat,* says the comedy[n], 'he that counsels you, helps you;' and can it be imagined that he that resists the grace of God twenty years is not a greater villain than he that stood against it but twenty months, and so on to twenty days and twenty hours? *Peccatorem tanto sequitur districtior sententia quanto peccanti ei magna est patientia prorogata; et divina severitas eo iniquum acrius punit, quo diutius pertulit,* saith S. Gregory: 'the longer God hath expected our repentance, the more angry He is if we do not repent;' now God's anger would not increase if our sin did not. But I consider, must not a man repent of his resisting God's grace, of his refusing to hear, of his not attending, of his neglecting the means of salvation? and why all this, but that every delay is a quenching of the light of God's spirit, and every such quenching cannot be innocent? and what can be expounded to be a contempt of God, if this be not; that when God by His preventing, His exciting, His encouraging, His assisting grace invites us to repentance, we nevertheless refuse to mourn for our sins and to repent? This is the very argument which the Spirit of God himself uses, and therefore is not capable of reproof or confutation. "Because I have called and ye refused, I have stretched out My hand and no man regarded: but ye have set at nought all My counsel, and would none of My reproof; I will also laugh at your calamity, and mock when your fear cometh[o]." Is not therefore every call to be regarded? and consequently is not every refusing criminal? and does not God call every day? Put these things together, and the natural consequent of them is this, that he who sins and does not repent speedily, does at least sin twice, and every day of delay is a further provocation of the wrath of God. To this purpose are those excellent words of S. Paul[p], "Despisest thou the riches of His goodness and forbearance and long-suffering, not knowing that the goodness of God leadeth thee to repentance?" That is, every action of God's loving-kindness and forbearance of thee is an argument for, and an exhortation to repentance; and the not making use of it is called by the apostle 'a despising of His goodness;' and the not repenting is on every day of delay 'a treasuring up of wrath[q];'

[n] Curculio. [act. iii. 89.]
[o] [Prov. i. 24.]
[p] [Rom. ii. 4.]
[q] [ver. 4, 5.]

Αἶψα γὰρ ἐν κακότητι βροτοὶ καταγηράσκουσι [r],

'Men wax old' and grow gray 'in their iniquity,' while they think every day too short for their sin, and too soon for their repentance. But (if I may have leave to complain) it is a sad thing to see a man who is well instructed in religion, able to give counsel to others, wise enough to conduct the affairs of his family, sober in his resolution concerning the things of this world, to see such a person come to church every festival, and hear the perpetual sermons of the gospel, the clamours of God's holy Spirit, the continual noise of Aaron's bells ringing in his ears, a man that knows the danger of a sinner if he dies without pardon, that the wrath of God cannot be endured, and yet that without a timely and sufficient repentance it cannot be avoided; to see such a man day after day sin against God, enter into all temptations, and fall under every one, and never think of his repentance, but unalterably resolve to venture for it, and for the acceptance of it at the last: for it is a venture whether he shall repent; and if he does, it is yet a greater venture whether that repentance shall be accepted, because without all peradventure in that case it can never be perfected. But the evil of this will further appear in the next argument.

§ 20. 4) He that does not repent presently, as soon as he remembers and considers that he hath sinned, does certainly sin in that very procrastination, because he certainly exposes himself to a certain and unavoidable danger of committing other and new sins. And therefore I cannot but wonder at the asserters of the opposite doctrine, who observe this danger, and signify it publicly, and yet condemn such persons of imprudence only but not of sin. The words of Reginaldus[s], and according to the sense of Navarre, are these, *Ad quod tamen tempus pœnitentiam differre esse salutem animæ in magnum discrimen adducere, patet per illud quod ex D. Augustino refertur in cap. 'Si quis:' et cap. finali, de pœniten. dist. 7. dubiam esse salutem illorum quos non ante sed post ægritudinem pœnitet. Ratio vero esse potest quod in eo cernatur interpretativus contemptus Dei, qui sæpius per gratias prævenientes illos excitat ac movet resipiscentiam, agendamque pœnitentiam, conterendumve de suis peccatis: nihilominus non curant atque negligunt:* 'he that defers his repentance brings his soul into manifest and great danger, according to the doctrine of S. Austin; for it is an interpretative contempt of God, who often excites them by His preventing graces to repent and to do penance, and to be contrite for their sins, but they neglect it and care not.' Now since thus much is observed and acknowledged, it is a strange violence to reason and to religion that it should not also be confessed to be the design and intention of God, His will and pleasure, the purpose of His grace and the economy of heaven, the work of His

[r] [Hom. odyss., τ. 360.]
[s] Lib. v. prax. fori pœnit., cap. 2. sect. 4. n. 23. [p. 206.]

spirit and the meaning and interpretation of His commandment, that we should repent presently. For when the question is concerning the sense and limit of an indefinite commandment, what can be a better commentary to the law than the actions of God himself? for He understands His own meaning best, and certainly by these things He hath very competently and sufficiently declared it.

§ 21. If it be objected that these actions of the divine grace are not sufficient to declare it to be a sin not to do it, whenever the grace of God prompts us to repent, because we find that the Spirit of God does use rare arts to invite us forward to such degrees of perfection and excellency, to which whoever arrives shall be greatly rewarded, but if a man falls short he does not sin; I reply, that the case is not the same in the matter of counsel and in the matter of a commandment: for when the question is concerning the sense and signification, the definition and limit of that which is acknowledged to be a commandment, the actions of the divine grace signifying God's pleasure and meaning do wholly relate to the commandment; when the thing is only matter of counsel, then the actions of the divine grace relate to that, and are to be expounded accordingly. But thus they are alike; that as God by His arguments and inducements, His assistances and aids, declares that to do the thing He counsels would be very pleasing to Him, so they declare that what He commands is to be done, that He intends the commandment then to bind, that whenever the one is good the other is necessary. But His pleasure which He signifies concerning a counsel does not mean like His pleasure concerning a commandment; but every thing according to the nature of the subject-matter: for God having left the one under choice, and bound the other by a law, whatever signification of the mind of God comes after this must be relative to what He hath before established, and does not now alter, but only expound now what His meaning was before. Since, therefore, the question here is to what precise time we are obliged in the precept of repentance, nothing is more reasonable than to conclude that then God intended we should keep the precept, when He enables us, and exhorts and calls upon us to do it, which because He by His grace and holy Spirit does every day, this declaration of God is the best commentary upon His commandment.

§ 22. But to return to the first purpose of this argument. He that knows he hath sinned, and will not kill it by repentance, leaves the affections to sin remaining; an aptness to be tempted, a relation to the devil, a captivity to lust, and an impotency under his passion. For if sin be a cursed serpent, if it leaves any venom upon the spirit of the man, if by committing sin we are more apt to commit it still; he that hath sinned, and when he remembers it does not repent, keeps himself in the dispositions to sin, he dwells in the temptation and the neighbourhood: and because every thing that invites and directly tends to sin is symbolical and of the same nature, the retain-

ing of that very aptness by not repenting the old, must needs be a progression and going on in sin, and therefore a new sin by interpretation.

§ 23. And if we consider but the sad circumstances of those persons who wax old in carelessness and contempt of duty, how dead their spirit is, how every day they grow more unwilling to repent, how habitual their persuasions are in the behalf of sin, how accidentally hard they grow; and by perceiving so long an impunity, and that things remain as they were twenty years ago, and that though they sinned then, yet they are well still, and all the affrightments of the preacher's sermons are but loud noises and harmless thunder, they grow confident and still more careless; we shall find that their spirit is in declension[t], and is continually and still further distant from the friendship of God. So sometimes we see a healthful body by the disorders of one intemperate meeting fallen into the beginnings of a sickness. The man it may be does so no more; but feeling his sickness tolerable, and under the command of reason, he refuses to take physic, and to throw out the evil principle which begins to ferment in the disordered body: but nature being disturbed and lessened in her proper vigour, goes on in her usual methods as well as she can; she goes forward, but she carries a load, which in a long progression grows intolerable, not by its own weight, but by the diminution of nature's strengths. But when the evil is grown great, the physician is called for, who, espying the evil state of things, is forced to reply, it is now very late, for nature is weak and the disease is strong. I shall do what art can minister, but I fear that nature is incapable of relief. So it is in the soul; the very deferring of taking physic is an increasing of the disease. For every sin is *ulcus*, ἕλκος ἀπὸ τοῦ ἕλκειν, it is an 'ulcer,' and 'draws' all the humours thither for its increase and nourishment: and that which is sore will swell, and all the waters will run to the hole in the bank, and every finger to the wound that smarts, and every eye to the thing we fear: and therefore it hath been observed by the wise guides of souls, that those persons who defer their repentance to their old age, their repentance comes off the harder, their penitential actions are the worse, their zeal colder, their care more indifferent, their religion less, their fears are trifling, their love stark and cold, their confessions formal and imperfect, every thing amiss, nothing right: but no repentance can be that which God intends unless it begins betimes.

> Vidi ego quod fuerat primo sanabile vulnus
> Dilatum longæ damna tulisse moræ[u].

Any one disease if let alone, though there be no new sickness supervening, grows mortal by mere delay, and incurable for want of timely remedy.

§ 24. 5) Let us consider upon what account any man can defer

[t] ['delusion' B, C, D.]

[u] Ovid. [remed. amor. 101.]

his repentance and yet be innocent. It must either be because he loves his sin, or because he loves not God; because he either despises the divine justice, or presumes upon His mercy; because he hath evil principles, or because he will not obey those which are good. It is positive impenitence, or it is privative; it is hardness of heart, or it is effeminacy of life; it is want of fear, or want of love: and whatsoever can come from any of these causes or beginnings can never be innocent. And therefore S. Ambrose his question was a good caution and a severe reproof. *Quid enim est quod differas? an ut plura peccata committas?* 'why do you defer your repentance? is it because you would commit more sins?' That's most likely.

Sed quia delectat Veneris decerpere fructus,
Dicimus assidue, cras quoque fiet idem.
Interea tacitæ serpunt in viscera flammæ,
Et mala radices altius arbor agit[v].

He that says he will not repent of his lust to-day, says in effect that he means to act it again to-morrow; for why else should he put his repentance further off?

Quid juvat in longum causas producere morbi?
Cur dubium expectat cras hodierna salus[w]?

If you really intend your cure, it is better to begin to-day than to-morrow: and why should any man desire to be sick one day longer? Whatever can be in it, it is a disease and a very sickness of itself; there can be no good excuse pretended for it. For if carelessness, if the neglect of holy things can ruin us (as certainly a man may die with hunger as surely as by gluttony, by not eating at all as well as by eating too much, by omission as well as by commission,) it will follow that the not repenting is fatal and damnable, because every delay is a not-repenting till that delay be gone.

§ 25. 6) The scripture does every where call upon us for a speedy repentance. For God that commands us to pray every day, consequently commands us to repent every day. This argument ought to prevail even upon the adversaries' account: for Navarre[x] confesses, *Extra tempus articuli mortis dantur casus in quibus peccator conteri tenetur per aliud, sive ex vi alicujus præcepti quod peccator ipse transgreditur, aliquid agens non contritus.* When there is any distinct precept obliging to a duty which cannot be done by him that is not penitent, he that directly obliges to that other duty, does indirectly and consequently at that very time oblige to repentance. Thus when the church obliges a priest to consecrate and communicate, because he who does so without repentance commits a deadly sin, the church accidentally ties him at that time to repent. From these premises I assume, that since God obliges us every day to pray,

[v] [Ovid. ibid. 103.]
[w] [Prosper, epigr. lxxii. in max. bibl. vet. patr., tom. viii. p. 94 C.]
[x] Apud Reginald. ubi supra. [sect. 4. n. 24. p. 206.]

He also obliges us to do that without which we cannot pray as God intends we should; that is, to throw away all our affection to sin, to repent of it and to forsake it. For "the prayer of a wicked man is an abomination to the Lord," said Solomon[y]; and "we know that God heareth not sinners," said he in the gospel, that is, those who having sinned have not yet repented,

——— Infelix infelicior ut sit,

being unhappy in their hasty sin, but more unhappy in their slow repentance: but it is the prayer of the repenting man which God will hear; and therefore our blessed Saviour[z] commanding us to pray and teaching us how, enjoins us that we every day pray for the forgiveness of our trespasses; as for our daily bread, so for our daily pardon: *Panem nostrum da nobis hodie*, 'Give us this day' our proportion of 'bread;' and therefore also this day give us pardon; for we must return to-day: *hodie* for bread, and *hodie* for forgiveness and amendment. So the psalmist[a], and so the apostle[b] in his words, "To-day hear His voice and harden not your hearts;" not only expressly commanding us not to defer our repentance one day, but plainly enough affirming that every such delay is an act of hardness of heart and obduration, and therefore a new sin superadded to the old. For although in nature and logic time consignifies, that is, it does the work of accidents and appendages and circumstances, yet in theology it signifies and effects too; time may signify a substantial duty, and effect a material pardon: but of all the parts of time we are principally concerned in the present. But it is remarkable that though *hodie*, 'to-day,' signifies the present time, yet the repentance which began yesterday, which took an earlier *hodie*, is better than that which begins to-day: but that which stays till to-morrow is the worst of all.

Ille sapit quisquis, Posthume, vixit heri[c].

For *heri* and *hodie*, 'yesterday' and 'to-day,' signifies 'eternity:' so it is said of Christ[d], 'yesterday and to-day, the same for ever.' But *hodie* and *cras*, 'to-day' and 'to-morrow,' signifies but 'a little while.' "To-day and to-morrow I work," said Christ[e], that is, I work a little while; and "the third day," that is, very shortly or quickly, "I shall make an end." That repentance is likely to prevail to a happy eternity which was yesterday and to-day, but if it be deferred till to-morrow, it begins late and will not last so long. To this purpose excellent are those words of Ben-Sirach[f], "Make no tarrying to turn unto the Lord, and put not off from day to day: for suddenly shall the wrath of the Lord come forth, and in thy security thou shalt be destroyed." Meaning that every day of thy life may

[y] [Prov. xxviii. 9.]
[z] [John ix. 31.]
[a] [Psalm xcv. 7.]
[b] [Hebr. iii. 7, 15; iv. 7.]
[c] [Mart., lib. v. epigr. 59.]
[d] [Hebr. xiii. 8.]
[e] [Luke xiii. 32, 3.]
[f] [Ecclus. v. 7.]

be the day of thy death, therefore take heed, and "defer not until death to be justified," for God oftentimes smites sinners in their confidence; He strikes them in their security, in their very delay they are surprised, in their procrastination they shall lose their hopes, and the benefit and usefulness of to-morrow. For what is vain man that he should resolve not to repent till easter? It may be at that very time he so resolves there is an impostume in his head or breast, or there is a popular disease abroad that kills in three days, or to-morrow's dinner shall cause a surfeit, or that night's drinking shall inflame his blood into a fever, or he is to ride a journey the next day and he shall fall from his horse and die, or a tile in the street shall dash his brains out; and no man can reckon all the possibilities of his dying suddenly, nor the probabilities that his life will end very quickly. This question therefore may be determined without the intrigues of disputation. Let a man but believe that he is mortal, let him but confess himself to be a man, and subject to chance, and there is no more required of him in this article, but the consequence of that confession. *Nemo Deo credens non se sub verbis ejus corrigit nisi qui diu se putat esse victurum,* saith S. Austin, 'whosoever believes in God will presently amend his life at the command of God, unless he thinks he shall live long.' But what if a man should live long? is it so intolerable a thing to live virtuously when we are to live long, that the hopes of life shall serve to no other end but that sin may be continued and repeated, and repentance may be delayed? That's the worst conclusion in the world from such premises. But however, he that considers that so many men and women die young, will have but little reason to conclude to so evil and dangerous purposes from so weak and contingent principles. When Theramenes[g] came out from his friend's house the roof and walls immediately fell down. The Athenians espying the circumstances of that safety, flocked about him, congratuled[h] his escape, and cried him up as a man dear unto the gods for his so strange deliverance from the ruin. But he wisely answered, *Nescitis, viri, ad quæ tempora et pericula Jupiter me servare voluerit,* 'ye know not, O Athenians, to what evils I am reserved.' He said true, for he that had escaped the fall of a house in Athens, was in a little while condemned by the *ephori* of Sparta to drink the cold and deadly hemlock; he passed but from one opportunity of death unto another.

Οὐκ ἔστι θνητῶν ὅστις ἐξεπίσταται
Τὴν αὔριον μέλλουσαν εἰ βιώσεται[i].

No man can tell whether he shall live to-morrow, and to put off our repentance, when it may be there is at the very instant the earnest of death in thy heart or bowels, a stone ready formed, har-

[g] [Plut. consol. ad Apollon., tom. vi. p. 398.]

[h] ['congratulated' B.]

[i] Eurip. [Alcest. 799.]

dened and ripe in the kidneys, and will before to-morrow morning drop into the bladder:

Mors latet in mediis abdita visceribus,

'Death is already placed in the stomach,' or is gone into the belly; then, that is, in any case, to defer repentance, is a great folly and a great uncharitableness, and a contempt of all the divine relations concerning heaven and hell. Μὴ πίστευε χρόνῳ, of all things in the world, 'do not trust to time.'

——— Obrepit non intellecta senectus;
Nec revocare potes qui periere dies[j].

In time there is nothing certain, but that a great part of our life slips away without observation, and that which is gone shall never come again. These things although they are dressed like the arguments of orators, yet they do materially and logically conclude, that if to be uncharitable be a sin, he that defers his repentance in so uncertain a life and so certainly approaching death, must needs be a very great sinner upon that account, because he does not love himself, and therefore loves nobody, but abides without charity. But our blessed Saviour hath drawn this caution into a direct precept, "Agree with thine adversary ταχὺ, quickly." The hope of eternity which now is in thy hand may else be lost for ever, and drop through thy fingers before to-morrow morning. *Quanto miser es periculo versaberis, quamque inopinati rerum casus te abripient*[k]! 'miserable man, thou art in extreme danger, and unlooked for accidents may end thy talkings of repentance and make it impossible for ever.' A man is subject to infinite numbers of chances, and therefore that we may not rely upon the future or make delays, let us make use of this argument, Whatsoever comes by chance comes upon the sudden.

§ 26. But because this discourse is upon the grounds of scripture, it is of great force what was by the Spirit of God threatened to the angel of the church of Ephesus[l]; "Repent, for I will come unto thee quickly, and remove the candlestick out of its place, unless thou dost repent:" that is, unless thou repent quickly, I will come quickly. Who knows how soon that may be to any man of us all: and therefore it is great prudence, and duty, and charity, to take care that His coming to us do not prevent our return to Him; which thing can never be secured but by a present repentance. And if it be considered that many persons as good as we, as wise, as confident, as full of health, and as likely to live, have been snatched away when they least did think of it, with a death so sudden, that the deferring their repentance one day hath been their undoing for ever; that if they had repented heartily, and chosen a good life clearly and re-

[j] Auson. [epigr. xiii. 3.]
[k] S. Greg. Naz. in sanct. bapt. [orat. xl. § 14. tom. i. p. 700 B.]
[l] [Rev. ii. 5.]

solvedly upon the day before their sudden arrest, it would have looked like a design of grace and of election, and have rendered their condition hopeful; we shall find it very necessary that we do not at all defer our return, for this reason, because one hour's stay may not only by interpretation, but also in the real event of things, prove to be that which S. Austin [m] called the sin against the Holy Ghost, that is, final impenitence. For as he that dies young, dies as much as he that dies after a life of fourscore years; so is that impenitence final under which a man is arrested under the infancy of his crime, as much as if after twenty years' grace and expectation, the man be snatched from hence to die eternally. The evil is not so great, and the judgment is not so heavy, but as fatal and as irreversible as the decree of damnation upon the falling angels.

§ 27. 7) When we see a man do amiss we reprove him presently, we call him off from it at the very time, and every good man would fain have his unhappy friend or relative leave in the midst of his sin, and be sorry that he went so far; and if he have finished his sin, we require of him instantly to hate it, and ask pardon. This is upon the same account that God does it, because to continue in it can be for no good, to return instantly hath great advantages; to abide there is danger and a state of evil, to choose to abide there is an act of love to that evil state, and consequently a direct sin; and not to repent when we are admonished is a choosing to abide there; and whenever we remember, and know and consider we have sinned, we are admonished by God's Spirit and the principles of grace and of a holy religion. So that from first to last it follows certainly that without a new sin we cannot remember that we have sinned, unless then also we do repent: and our aptness to call upon others to do so is a great conviction that every man is obliged in his own particular to do so.

Ἅπαντες ἐσμὲν εἰς τὸ νουθετεῖν σοφοί·
Αὐτοὶ δ' ἁμαρτάνοντες οὐ γιγνώσκομεν [n].

Since we are all wise enough to give good counsel, it will reproach us if we are not conducted by the consequences of our own wise advices. It was long first, but at last S. Austin fell upon this way; nothing could end his questions, or give rest unto his conscience, or life to his resolutions, or satisfaction to his reason, or definition to his uncertain thoughts, or a conclusion to his sin, but to understand the precept of repentance to oblige in the very present, and at no time else. *Differens dicebam modo, ecce modo, sine paululum: sed modo et modo non habebat modum* [o]. He would anon, and he would next week, and he would against the next communion; but there was no end of this: and when he saw it, *sub fico stravi me flens, quamdiu quamdiu, cras et cras? quare non modo? quare non*

[m] [See the passages cited by Bingham, book xvi. chap. 7. § 3.]

[n] Menand. [Eurip. apud Stob. floril., tit. xxiii. 5.]

[o] [Confess., lib. viii. cap. 5. tom. i. col. 149 E.]

hac hora finis turpitudinis meæ[p] *?* 'I wept and said, how long shall I say to-morrow? Why shall I not now by present repentance put an end to my crimes?' If not now, if not till to-morrow, still there is the same reason for every time of your health, in which you can say to-morrow. There is enough to determine us to-day, but nothing that can determine us to-morrow. If it be not necessary now, it is not necessary then, and never can be necessary till it be likely there will be no morrow morning to our life. I conclude this argument in the words of the Latin anthology[q],

> Converti ad rectos mores et vivere sancte
> In Christo meditans, quod cupit acceleret.

He that would live well and be Christ's servant must make haste, and instantly act what he knows he ought always to purpose, and more. To which purpose S. Eucherius[r] gives this advice, which at first will seem strange: 'Propound to yourself the example of the thief upon the cross, do as he did.' Yes, we are too ready to do so, that is, to defer our repentance to the last, being encouraged by his example and success. No: we do not as he did, that is a great mistake. It is much to be wished that we would do as he did in his repentance. How so? S. Eucherius thus resolves the riddle, *Ad consequendum fidem non fuit extrema illa hora, sed prima.* He did not defer his repentance and his faith unto the last; but in the very first hour in which he knew Christ, in that very instant he did believe and was really converted; he confessed Christ gloriously, and repented of his sins without hypocrisy: and if we do so too, this question is at an end, and our repentance shall never be reproved.

§ 28. 8) He that hath sinned, and remembers that he hath sinned, and does not repent, does all that while abide in the wrath of God: God hates him in every minute of his delay. And can it consist with any christian grace, with faith, or hope, or charity, with prudence or piety, with the love of God, or the love of ourselves, to outstand the shock of thunder, to outface the cannon, to dare the divine anger, and to be careless and indifferent, though he be hated by the fountain of love and goodness, to stand excommunicate from heaven? All this is beside the sin which he committed; all this is the evil of his not repenting presently. Can a man consider that God hates him, and care not though He does, and yet be innocent! And if he does care, and yet will not remedy it, does not he then plainly despair, or despise it presumptuously? and can he that does so be innocent? When the little boy of Xylander saw a company of thieves robbing his father's house, and carry away the rich vessels and ten Attic talents, he smiled and whipped his top. But when a child who was in their company stole his top from him, he cried out and raised the neighbourhood.

[p] [Ibid., cap. 12. col. 156 A.]

[q] [Prosper, epigr. lxxii. in max. bibl. vet. patr., tom. viii. p. 94 C.]

[r] [Al. Eusebius Gallicanus, in hom. de latrone beato.—Max. bibl. vet. patr., tom. vi. p. 645 E.]

Sic sunt qui rident, nec cessant ludere, sævus
Cum Satanas illis non peritura rapit[s].

So is he that plays on and is merry when his soul is in the possession of the devil: for so is every soul that hath sinned and hath not repented; he would not be so patient in the loss of his money, he would not trust his gold one hour in the possession of thieves, nor venture himself two minutes in a lion's power; but for his soul he cares not, though it stay months and years in a danger so great as would distract all the wits of mankind, if they could understand it perfectly as it is.

§ 29. 9) If there were nothing else, but that so long as his sin is unrepented of, the man is in an unthriving condition, he cannot entertain God's grace, he cannot hope for pardon, he cannot give God thanks for any spiritual blessing, he cannot love His word, he must not come to the holy sacrament; if (I say) there were nothing else in it but the mere wanting of those excellencies which were provided for him, it were an intolerable evil for a man to be so long in the dark without fire or food, without health or holiness; but when he is all that while the object of the divine anger, and the right-aiming thunderbolts[t] are directed against his heart from the bow in the clouds, what madness and what impiety must it needs be to abide in this state of evil without fear and without love!

§ 30. 10) The advice of S. Paul[u] in the instance of anger hath something in it very pertinent to this article, "Let not the sun go down upon your wrath;" that is, do not sleep till you have laid aside your evil thoughts; for many have quietly slept in sin, who with horror and amazement have awaked in hell. But S. Paul's instance of anger is very material, and hath in it this consideration, that there are some principiant and mother sins, pregnant with mischief, of a progressive nature, such sins which if they be let alone will of themselves do mischief; if they be not killed they will strike; like as quicksilver, unless it be allayed with fasting spittle, or some other excellent art, can never fix: now of these sins there is no question but a man is bound instantly to repent, and there is no season for these, but all times are alike, and the first is duty. Now how many are thus is not easily told; but it is easily told that all are so of their own nature, or may be so by the divine judgment, and therefore none of them are to be let alone at all.

§ 31. 11) The words of S. Austin which he intended for exhortation are also argumentative in this question, *Hodiernum habes in quo corrigaris*, 'you have this day for your repentance.' To-morrow you have not. For God did not command him that lived in the time of Samuel to repent in the days of Moses; that was long before him, and therefore was not his time: neither did he command that Manasses should repent in the days of the *Asmonæi;* they lived long

[s] [Anthol. sacr. Jac. Billii, n. 96. (e Chrysostomo.) p. 157. ed. 8vo. Par. 1575.]
[t] [Wisd. v. 21.]
[u] [Ephes. iv 26.]

mfluence, and of absolute necessity: and God could n
to-morrow to be the proper season of repentance than
tend the five-and-twentieth olympiad to be your day
commandment is present, and to-morrow is not prese
fore unless we can suppose a commandment, and no
with the commandment for the performing it, we mus
present only to be it. If to-morrow does come, then w
sent it is also the time of your repentance. By which
certain, and must be confessed so by all wise and ra
that know the consequences of things and the persua
sitions, that God in every present commands us to repe
fore in every present in which we remember our sin an
we offend God, we prevaricate His intentions, we sin
mercies, and against His judgments, and against H
ments. I end this with the plain advice of Alcimus A

> Dum patulam cunctis Christi clementia sese
> Præbet, præteritæ plangamus crimina vitæ;
> Pœniteatque olim negligenter temporis acti,
> Dum licet, et sano ingenioque animoque valemus.

In which words besides the good counsel this argument
that because we must repent even of the days of our ne
be sorry for all our mis-spent time, and weep for havi
long from God, it follows that the very deferring of ou
our very neglecting of it is a direct sin, and increases
repentance; and therefore makes it the more necessary
sooner, by how much we have stayed the longer.

Question II.

§ 32. As an appendage to this great case of consci
useful enquiry to ask whether a man is bound to rep

increased the score, and the time being so much the more spent, hath increased the necessity and the haste; and if the second be neglected, then the third still calls louder; and every succeeding thought does not only point us out the opportunity, and the still proceeding season of doing it, but it upbraids every preceding neglect, and presses the duty stronger by a bigger weight of the same growing arguments. For no man is safe but he that repents at least to-day, but he was wise that repented yesterday. And as it is in human entercourse, he that hath done wrong, and runs presently to confess it, and offer amends, shall have easier terms of peace than he that stands out at law, and comes not in till he be compelled; so it is in our returns to God: the speedy penitent shall find a ready and a prepared mercy, but he that stays longer will find it harder, and if he stays to the last, it may be not at all. But then if we have repented at the first monition or memory of sin, we must never any more be at peace with it: it will perpetually make claim, it will every day solicit, it will break into a flame upon the breath of every temptation, it will betray thy weakness and abuse thy credulity, it will please thy fancy and abuse thy understanding, it will make thee sin again as formerly, or desire to sin, to fall willingly, or very hardly to stand; and after all, if thou hast sinned thou art under a sad sentence, and canst not tell when thou shalt have a certain peace. So that whenever thou thinkest of thy sin thou hast reason to be displeased, for thou art always the worse for it; always in danger, or always uncertain: thou hast always something to do, or something to undo; something to pray for, and many things to pray against. But the particular causes of a perpetual repentance for our past sins are reducible to these two.

§ 34. 1) Whenever we have sinned, and fallen into the divine displeasure, we dwell for ever after in the dark: we are sure we have sinned, and God's anger is plainly revealed against sinners: but we know not how far this anger will extend, nor when it will break out, nor by what expressions it shall be signified, nor when it will go off, nor at what degree of sorrow God will be appeased, nor how much industry shall be accepted, nor how many actions of infirmity shall be allowed; nothing of this is revealed. But we are commanded to do an indefinite duty, we are to have an unlimited watchfulness, we are called upon to have a perpetual caution, a duty that hath no limit, but all our time and all our possibilities; and all the fruit of this is growing in the paradise of God, and we shall not taste it till the day of the revelation of the righteous judgment of God. In the mean time we labour and fear, we fear and hope, we hope and are uncertain, we pray and cannot see what will be the event of things. Sometimes we are confident; but that pertness comes it may be from the temper of the body, and we cannot easily be sure that it comes from God: and when we are cast down, it may be it is nothing but an effect of the spleen, or of some hypochondriacal propositions, or

some peevish company, and all is well with us, better than we think it is; but we are under the cloud, and, which is worst of all, we have always but too much reason to fear, and consequently to be grieved for the causes of all this darkness, and all this fear, and all this danger.

§ 35. 2) Besides all this, our sin is so long in dying, and we kill it with such lingering circumstances, and reprieve it so often, and it is often laid only aside until the day of temptation, and our repentance is so frequently interrupted, or made good for nothing, and even in our weepings for sin we commit folly, that a man can never tell when he hath done, and when he is to begin again. For these reasons we find it very necessary to hate our sin perpetually, and for ever to deplore our calamity in the divine displeasure, to remember it with sorrow, and to strive against it with diligence. Our sins having made so great an alteration in our persons, and in the state of our affairs, we cannot be so little concerned as to think of them with indifference; a sigh at least or a tear will well become every thought; a prayer for pardon, or an act of indignation against them; a *Domine miserere*, or a *Me miserum peccatorem!* 'Have mercy upon me, O God,' or 'Miserable man that I am!' something of hope, or something of fear. Own it but as a cause of sorrow or an instance of thy danger, let it make thee more zealous or more patient, troubled at what is past, or cautious for the time to come: and if at every thought of thy sin it be not easy to do a positive act of repentance, yet the actions must be so frequent that the repentance be habitual, ever in preparation, and ever apt for action; seeking occasions of doing good, and omitting none; praying and watching against all evil, and committing none. At this rate of repentance a man must always live, and in God's time expect a freedom from sin, and a confirmation in grace. But then as to the main issue of the question;

§ 36. It is not intended that a man should every time weep when he thinks of his sins; sometimes he must give thanks to God for his escape, and rejoice in the memory of the divine mercies, and please himself in the promises of pardon, and do acts of eucharist and holy festivity. But even these acts of spiritual joy, if they endear our duty, they destroy our sin; if they make us to love God, they make us to hate sin; if they be acts of piety, they are acts of repentance. So that when it is said, at every thought of your sin you must do something of repentance, if you do any act at all, this is nothing else but a calling upon us for the particulars, and to pursue the methods of a good life. For repentance is the conversion of the whole man, an entire aversation from evil, and a full return to God; and every action of amendment, every prayer for pardon, and every mortification of our desires, every observation and caution against danger, all actions of a holy fear, and every act of hope, even our alms and mercy to the poor, is a breaking off our sins[t], and therefore an action

[t] [Dan. iv. 27.]

of repentance. So that if there can be any time of life in which a sinner may not serve God and yet be innocent, then it may be allowed at some time to think of our sin and consider it, and yet not to do an act of repentance; but in no case else can it be allowed.

§ 37. So that by this discourse we have obtained all the significations of *hodie*, 'to-day,' and they all relate to repentance. For though it signifies the present time as to the beginning of this duty, yet it signifies our whole life after that beginning, that is our *hodie*, 'to-day,' we must begin now and continue to do the same work all our days. Our repentance must begin this day by the computations of time, and it must not be put off one day, yet it must go on by the measures of eternity. As soon as ever and as long as ever we can say *hodie*, it is 'to-day,' so soon and so long we must repent. This is as certain in divinity as a demonstration in the mathematics.

§ 38. The sum is this; if by repentance we mean nothing but sorrow, then it hath its season, and does not bind always to all times. But if by repentance we understand a change of life, to which sorrow is only instrumental and preparatory, then it is our duty always to repent. That is, if you do any thing at all, it must be good: even to abide in goodness, to resolve not to sin, to love not to sin, to proceed or to abide in innocence by choice and by delight, by custom and resolution, are actions of an habitual repentance; but repentance is never safe till it be habitual, but then also it is so much the more perfect, by how much it is the more actual.

§ 39. To conclude this enquiry, we must pray often, but we must repent always: and it is in these affirmative precepts as it is in the matter of life and eating; we must eat at certain times and definite seasons, but we must live continually. Repentance is the new life of a Christian; and therefore we must no more ask when we are bound to repent, than when we are by nature required to breathe. The motion must return speedily, or we die with strangling.

RULE XVII.

BECAUSE THE LAWS OF JESUS CHRIST WERE DELIVERED IN SERMONS TO A SINGLE PERSON, OR A DEFINITE NUMBER OF HEARERS, WE ARE CURIOUSLY TO ENQUIRE AND WISELY TO UNDERSTAND, WHEN THOSE PERSONS WERE ONLY PERSONALLY CONCERNED, AND WHEN THEY WERE REPRESENTATIVES OF THE WHOLE CHURCH.

§ 1. THIS rule I learn from S. Austin[u], *Erit igitur etiam hoc in observationibus intelligendarum scripturarum, ut sciamus alia omnibus communiter præcipi, alia singulis quibusque generibus personarum:*

[u] Lib. iii. de doctrina christiana, cap. 17. [tom. iii. part. 1. col. 52 G.]

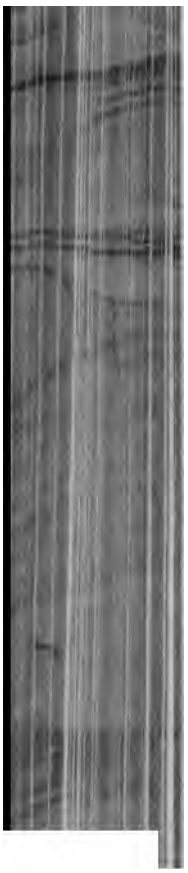
a certain path in this intricacy. If we do not distin
from precept, and persons from states of life, and stat
communities of men, it will be very easy for witty me
dens upon other men's shoulders with which they
be pressed; and it will be very ready for scrupulous p
loads upon themselves which appertain not to them; a
will dispute themselves out of their duty, and say, *Quid*
not concerned here; and the conscience shall be ungui
termined while the laws of order shall themselves lie u
and undiscerned in confusion and indiscrimination. T
care taken of this, or else cases of conscience will extre
to no purposes but those of danger and restless scrup
measures that I know are these;

§ 2. 1) There are some precepts which are by all
to be general, and some are everywhere known to b
sonal; and by proportion to these we can be helped to
of others. When Abraham, as a trial of his obedie
manded to sacrifice his son, this was alone a comma
to that man concerning that child, at that time, and to
So when he was commanded to forsake his country and
this was personal, and could not be drawn into example
could think that if he should kill his son, or leave h
should be rewarded for his obedience. For the comma
to persons are individuated as the persons themselve
and place and circumstances, and a singular nature, a p
So is the commandment also; it is made circumstantia
is in and about it: and the reason of a man and his
the competent and final judge of these things; and no
required to look after significations of that which is noto
also are as certainly and confessedly general; such as
commandments to the children of Israel; they were gi
people, proclaimed to the whole nation, expressly spoke

have lost their obligation. The service that related to a temple that is now destroyed, and was to be performed by a priesthood that is expired, can no longer be a law of conscience. Thus the command which Christ gave that His brethren should follow Him into Galilee after the resurrection was wholly personal. The apostles were commanded to untie another man's ass, and, without asking leave, to bring him to Christ; the command was wholly relating to that occasion, and gives no man warrant to take another man's goods for pious uses without his leave. Circumstances are to actions like hedges to the grounds, they divide and defend, and assign every man's portion. And in these cases ordinary prudence is a sufficient guide.

§ 4. 3) Whatsoever precept was given to many, if it was succeeded to by another that is inconsistent, or of a quite differing nature and circumstance, the former is by the latter declared to have been personal, relative, temporary and expired; and nothing of it can be drawn into direct obligation. When our blessed Saviour sent out the seventy-two disciples by two and two, He commanded them to go without sword or shoes or bag, and that they should not go into the way of the gentiles. That these commandments were temporary and relative to that mission appears by the following mission after Christ's resurrection; by which they received command that they should go into the way of the gentiles, that they should teach all nations. Therefore besides the special and named permissions in this second legation, as that they might now wear a sword, that they might converse with heathens, it is certain that those other clauses of command which were not expressly revoked, are not obligatory by virtue of the first sanction and commandment. And therefore if any man shall argue, Christ, when He sent forth His disciples to preach, commanded that they should not go forth from house to house, but where they did first enter there to abide till the time of their permitted departure, therefore it is not lawful to change from one church to another, from a less to a greater, from a poorer to a richer, will argue very incompetently and inartificially; for all the commandments then given were relative to that mission; and if any thing were inserted of an universal or perpetual obligation, it is to be attended to upon some other account, not upon the stock of this mission, and its relative precepts.

§ 5. 4) It is not enough to prove a precept to be perpetual and general, that it is joined with a body of precepts that are so, though there be no external mark of difference. Thus we find in the ten words of Moses one commandment for resting upon the seventh day from the creation; it is there equally prescribed, but fortified with reasons and authority, more laboriously pressed, and without all external sign of difference to distinguish the temporary obligation of this from the perpetuity of the other; and yet all the christian church esteem themselves bound by the other, but at liberty for this day. But then we understand our liberty by no external mark



tended to give place to charity and other moral duti
ligion itself, or the immediate service of God: for th
mandment was a precept merely of rest, and doing
the sanctification of the day; yet that the priests
might worship God according to the rites of their
were permitted to work, viz., to kill the beasts of s
Christ called profaning of the sabbath, and in so doi
them to have been blameless. From hence, that is, fr
signature of the thing commanded, and from other col
we come to understand that in the heap of moral an
cepts, a temporary, transient, and relative did lie: a
why there was no difference made, or distinctive mark
decalogue, is because there was no difference to be
nation to whom they were given; but as soon as tha
and period was to determine, then God gave us tho
notes of distinction which I have enumerated, and wh
ficient to give us witness. So that if a whole body
ments be published, and it be apparent that most of the
and eternal, we must conclude all to be so, until we h
difference, directly or collaterally, in the nature of th
our notices from God: but when we have any such s
follow it; and the placing of the precept in other com
sufficient mark to conclude them all alike. Thus it w
first mission of the disciples (above spoken of) in whic
precepts was temporary and relative; but yet when our
had inserted that clause "freely ye have received, fre
are not to conclude it to be temporary and only rel
mission, because it is placed in a body of relative co
for there is in it something that is spiritual, and of a
cency, rectitude, and proportion; and we are taught to
from the other by the reproof which fell upon Simon M
separate nature of spiritual things by the analogy of

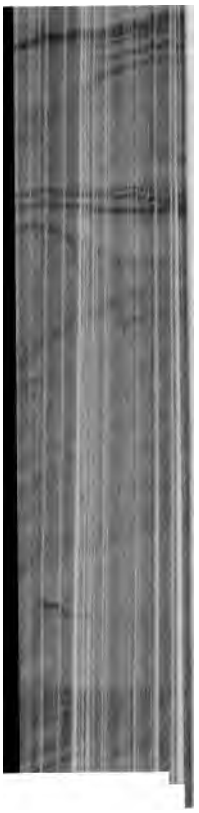
alike; but if there be any thing there or any where else that makes an indubitable or sufficient separation, the unity of place does not make an equal obligation.

§ 6. 5) When any thing is spoken by Christ to a single person, or a definite number of persons, which concerns a moral duty, or a perpetual rite of universal concernment, that single person, or that little congregation, are the representatives of the whole church. Of this there can be no question;

First, because as to all moral precepts they are agreeing to the nature of man, and perfective of him in all his capacities; and therefore such precepts must needs be as universal as the nature, and therefore to be extended beyond the persons of those few men. Now if it be enquired how we shall discern what is moral in the laws of God from what is not moral, we may be assisted in the enquiry by the proper measures of it which I have already described[w]. Those concern the matter of the commandment, here we enquire concerning the different relation of the commandment when the sanction is the same with these which are of particular concernment; that is, here we enquire by what other distinction besides the matter and nature of the thing we are to separate general precepts from personal, perpetual from temporal, moral from relative. And thus to enquire is necessary in the interpretation of the laws of Jesus Christ; because there are some precepts moral and eternal, which nevertheless are relative to particular states under the gospel.

But secondly, there are some precepts which are not moral, but yet they are perpetual and eternal, and concern every man and woman in the christian pale according to their proportion; I mean the precepts concerning the sacraments and other rituals of christianity. In order therefore to these evangelical concerns it is to be noted, that whatsoever concerns every one by the nature of the thing, though it was at first directed personally, yet it is of universal obligation. Thus we understand all Christians that have the use of reason, that is, which are capable of laws, and have capacities to do an act of memory, and symbolical representment, to be obliged to receive the holy communion: because although the present of "do this," and "drink this," was personally directed to the apostles, yet there is nothing in the nature of the communion that appropriates the rite to ecclesiastics; but the apostle explicates it as obliging all Christians, and it was ever so understood, and practised accordingly: all are equally concerned in the death of Christ, and therefore in the commemoration of it, and thanksgiving for it. Now thus far is easy. But there are some interests that pretend some of the words to be proper to ecclesiastics, others common to the whole church. I have already given account of the unreasonableness of the pretension in this chapter[x]. But for the present I shall observe, that there being

[w] Lib. ii. chap. 2. rule 6. num. 65. [p. 468.]
[x] Rule 9. num. 7, 8, 9. [pp. 536, 7.]



were only representatives of the ecclesiastical state whe
"Drink ye all of this," then so they were when Chri
do in remembrance of Me:" the consequent is this,
are bound to receive the chalice, or none but the cle
eat the holy bread; for there is no difference in the
commandment; and the precept hath not the head
the arm of a tree, and the foot of a mountain, but it is
simple, and proper, and if there be any difference, it
covered by some clear light from without; for there is
of difference, and yet without we have nothing but a
tive.

§ 7. 6) When the universal church does suppose her
any preceptive words, though they were directed to
sons, yet they are to be understood to be of universal
Now this relies not only upon the stock of proper pr
that such a multitude is the most competent interpret
culties in every commandment; but there is in the ch
and a holy Spirit, assisting her to guide, and warrantin
the measures of holiness by which she finds herself
besides that the questions of general practice are soone
as being like corn sown upon the furrow, whereas quest
lation are like metals in the heart of the earth, hard to
and harder to be drawn forth; besides this, no intere
heaven and the love of God can incline the catholic c
upon herself the burden of a commandment. If it wer
burden, there might be the more suspicion, though the
great authority were sufficient to outweigh any contrar
but when she takes upon her the burden, and esteems h
by a commandment given to the apostles or to the pl

volunt habere vitam, saith S. Austin[y], 'all are called upon to drink of the chalice, if they mean to have life eternal.' For *indignum dicit esse Domino qui aliter mysterium celebrat quam ab eo traditum est*, saith S. Ambrose[z], 'as Christ delivered it to the apostles, so it must be observed by all:' and therefore Durandus[a] affirms that 'all who were present did every day communicate of the cup, because all the apostles did so, our Lord saying, Drink ye all of this.' For the apostles were representatives, not of the clergy consecrating (for they then did not consecrate but communicate) but of all that should be present. *Nam quæ Domini sunt non sunt hujus servi, non alterius, sed omnibus communia*, saith S. Chrysostom[b], 'the precept of our Lord belonged not to this servant, nor to another, but to all.' Now things that are of this nature, and thus represented, and thus accepted, become laws even by the very acceptation: and as S. Paul[c] said of the gentiles, that they 'having not the law become a law unto themselves,' and our conscience is sometimes by mere opinion a strict and a severe lawgiver; when the church accepts any precept as intended to her (if not directly, yet) collaterally and by reflexion it passes an obligation; and then it will be scandalous to disagree in manners from the custom and severe sentence of the Christians, and to dissent will be of evil report, and therefore at no hand to be done.

§ 8. 7) When a precept is addressed to particular persons, and yet hath a more full, useful, and illustrious understanding if extended to the whole church, there it is to be presumed it was so intended; and those particular persons are representatives of the church. S. Austin[d] extends this rule beyond precepts, even to privileges and favours; *Quædam dicuntur quæ ad apostolum Petrum proprie pertinere videantur, nec tamen habent illustrem intellectum nisi cum referuntur ad ecclesiam, cujus ille agnoscitur in figura gestasse personam, propter primatum quem in discipulis habuit:* 'some things are spoken which seem to relate particularly to the apostle Peter, but yet they are better understood when they are applied to the whole church.' But this must needs be true in commandments; for where nothing hinders it, the commandment is supposed to be incumbent upon us; and therefore when the commandment is better understood, and hath a more noble and illustrious sense, that is, promotes the interest of any grace remarkably, there the particular address must mean a general obligation.

§ 9. 8) When any commandment is personally addressed, and yet is enforced with the threatening of death eternal, that commandment is of universal obligation. The reason is, because the covenant of life and death is the same with all men; and God is no respecter of

[y] In Levit. quæst. lvii. [tom. iii. part. 1. col. 517 A.]

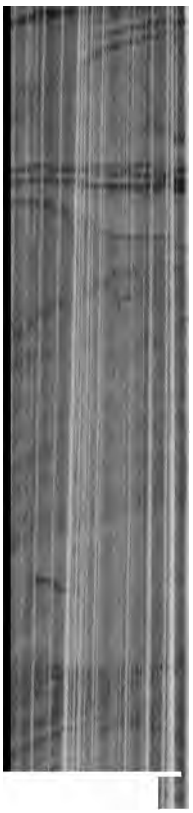
[z] [Pseud-Ambros.] in 1 Cor. xi. [tom. ii. append. col. 149 E.]

[a] Rationale divin., lib. iv. cap. 1. [vid. p. 539 supra.]

[b] In 1 Cor. xi. [hom. xxvii. tom. x. p. 244 B.]

[c] [Rom. ii. 14.]

[d] [In psalm. cviii. tom. iv. col. 1215 E.]



tive, and yet personally addressed or represented, there
the representative, not of all mankind, but of that w
order. Thus when S. Paul[f] said, "There is a necessity
and woe is unto me if I do not preach the gospel," h
sentative of the whole order of the curates of souls.
said[g], "I press forward to the mark of the price[h] of the
and "if by any means I may comprehend," here he sp
person what is the duty incumbent upon all Christians,
representative of the whole church.

§ 11. 9) When any good action is personally recom
the proposition of reward, it does not always signify
commandment; but according as it was intended pe
signifies universally: that is, if it was a counsel to the
first address, it is a counsel to all men in the same circ
it was a commandment to one it was a commandment
when Christ[i] said to the young man in the gospel,
what thou hast, and give to the poor, and thou shalt ha
heaven;" here the precept or the counsel is propounded
mise: but because there is no threatening so much as
ther it be a command or no cannot be known from the
from the appendant condition; because that which is no
mand may be excellently good, and therefore fit to be en
invited forward. But whether it was a precept or a couns
man, though alone spoken to, was not alone intended;
thing to which he was invited is an excellency and a spi
ness in all men for ever that can and will receive it.

[e] [Luke xiii. 3, 5.]
[f] [1 Cor. ix. 16.]
[h] [See vol. iv. p. 500.
[i] [Matt. xix. 21; Ma

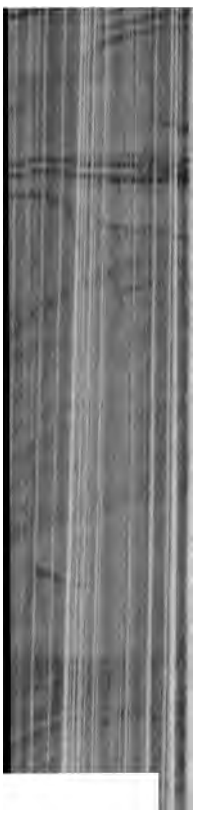
RULE XVIII.

EVANGELICAL LAWS GIVEN TO ONE CONCERNING THE DUTY OF ANOTHER DO IN THAT VERY RELATION CONCERN THEM BOTH, BUT IN DIFFERING DEGREES.

§ 1. THIS rule I learn from S. Paul[h], and it is of good use in cases of conscience relating to some evangelical laws. "Obey them that have the rule over you, and be subject; for they watch for your souls, as they which must give an account, that they may do it with joy, and not with grief; for that is unprofitable for you." Thus a prelate or curate of souls is to take care that his cure be chaste and charitable, just and temperate, religious and orderly. He is bound that they be so, and they are more bound; but each of them for their proportion: and the people are not only bound to God to be so, but they are bound to their bishop and priest that they be so; and not only God will exact it of them, but their prelate must, and they must give accounts of it to their superior, because he must to his supreme; and if the people will not, they are not only unchaste or intemperate before God and their bishop, but they are disobedient also. It is necessary that infants be baptized; this I shall suppose here, because I have in other places sufficiently (as I suppose) proved it[i]. Upon this supposition, if the enquiry be upon whom the necessity is incumbent, it will be hard to say, upon infants, because they are not capable of a law, nor of obedience; and yet it is said to be necessary for them. If upon their parents, then certainly it is not necessary to the infants; because if what is necessary be wanting, they for whom it is necessary shall suffer: and therefore it will be impossible that the precept should belong to others, and the punishment or evil in not obeying belong to the children; that is, that the salvation of infants should depend upon the good will or the diligence of any man whatsoever. Therefore if others be bound, it is necessary that they bring them, but it will not be necessary that they be brought; that is, they who do not bring them, but not they who are not brought, shall suffer punishment. But therefore to answer this case this rule is useful, It is necessary that the parents or the church should bring them to baptism, and it is necessary that they be baptized; and therefore both are bound, and the thing must not be omitted. The parents are bound at first, and the children as soon as they can be bound; so that the precept leans upon two shoulders: if the first omit their share in their time, there is no evil consequent but what is upon themselves; but when the children can choose, and

[h] [Hebr. xiii. 17.]

[i] 'Great Exemplar,' discourse Of baptizing infants, [part i. sect. 9. vol. ii. p. 247 sqq.] 'Liberty of propheaying,' sect. 18. [vol. v. p. 540 sqq.]



married to two wives at once? Many Christians w
many, I say, who were converted from judaism or ger
were not compelled to put away either. If a bishop
is a polygamist, who sins? that is, who is obliged b
Is the bishop that ordains him, or the prince or peop
him, or the ecclesiastic himself that is so chosen?
this enquiry is by considering the nature of such a
Italians call *il mandato volante*, a 'flying' or ambulat
ment,' in which the duty is divided, and several perso
parts of the precept incumbent on them. He that
that ordains him are bound for their share, to take c
canonically capable; but he that is so chosen is not
thing but what is in his power, that is, he is not oblig
her whom he hath legally married, and her whom witl
lawfully retain: but because that which is without sin
without reproach and obloquy, and that which may b
sometimes not be laudable, and of a clergyman more
than of another that is not so; they who call him to
take care of that, and he which is called is not cha
But then though he be not burdened with that whi
and at present out of his power, and such a person ma
chosen, when they who choose him are not innocent;
thing of the will is ingredient on his part, he must tal
himself. He may be chosen, but he must not *ambire*,
nor thrust himself upon it; for here begins his ob
can be no duty but what is voluntary and can be ch
a man can choose he can be obliged. I do not here
and in what cases this law does oblige; for of that I
count in the chapter of ecclesiastical laws: but the

insufficiency, he had prevaricated the canon apostolical: for to so much of it he was bound; but in what he was passive he was not concerned, but others were.

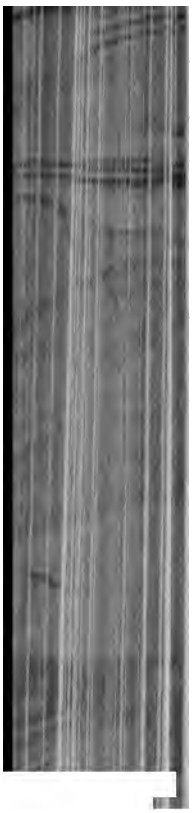
§ 2. But this is to be limited in two particulars.

1) In what the clerk is passive he is not obliged; that is, in such matters and circumstances as are extrinsical to his office, and matter of ornament and decency. Thus if he have been married to an infamous woman, which he cannot now help; if he be young, which he cannot at all help, but it will help itself in time; if he have an evil and unpleasant countenance, if he be deformed; for these things and things of like nature, the choosers and ordainers are concerned; but the clerk may suffer himself to be chosen, the law notwithstanding. But if the canonical impediment be such as hinders him from doing of his future duty, there he may not suffer himself to be chosen; and if he be, he must refuse it. The reason of the difference is plain; because the electors and ordainers are concerned but till the election is past, but the elected is concerned for ever after: therefore although there may be many worthinesses in the person to be chosen to outweigh the external insufficiency and incapacity, and if there be not the electors are concerned, because it is their office and their act, and they can hinder it, and therefore they only are charged there; yet for ever after the elected is burdened, and if he cannot do this duty he is a sinner all the way; he is a wolf to the revenue and a butcher to the flock.

§ 3. 2) Though in matters of decency and ornament the person to be chosen is not so obliged but that he may suffer himself to be chosen if he be otherwise capable, because those things which are not in his power are not in his duty, yet even for these things he also is obliged afterwards; and he is bound not to do that afterwards, which if it was done before, others were obliged not to choose him. If a person was divorced before and married again, he may accept of a bishopric: but if he do so afterwards he is guilty of the breach of the commandment: for he must not go back to that door where he might not enter, but then he is wholly obliged; he alone, because then it is his own act, and he alone can hinder it. I say he must not go back.

§ 4. But if he be thrust back to that door where if he had stood at first he ought not to have been let in, he is no more obliged at last than at first: he that does not govern his house well, and hath not his children in subjection, may not (by the apostle's rule) be chosen; but when he is a bishop, and falls into the calamity of having evil and rebellious children, this is no impediment to his office directly, and does not so much as indirectly pass upon him any irregularity.

§ 5. But then as to the rule itself this instance is fit to explicate it. For parents are tied to rule their children, masters to govern their servants; but children are always obliged to be governable,



§ 1. Truth and the divine commandments need r
but have an intrinsic warrant and a perpetual abode;
is warranted by custom hath but an accidental oblig
human authority. The laws of Christ are or ought to
of custom; but custom cannot introduce a divine law
our customs ought to be according to Christ's comm
from our customs we cannot conclude or infer th
will or commandment of Christ. This rule is Tertulli
nemo præscribere potest, non spatium temporum, non
sonarum, non privilegium regionum. . . Ex his enim
initium ab aliqua ignorantia vel simplicitate sortita, in
cessionem corroborata; et ita adversus veritatem vi
Dominus noster Christus veritatem se, non consuet
minavit. . . Quodcunque adversus veritatem sapit, h
etiam vetus consuetudo: 'no man can prescribe to tru
any proposition or commandment evangelical; 'for
commonly begin from ignorance or weakness, an
strength by use, till it prevail against right: but ou
does not call Himself custom, but truth. Whatsoe
truth, though it be an old custom, is heresy, notwi
long continuance.'

§ 2. The purpose of this rule is not to bar custom
use in the exposition of the sense of a law or doctri
it is certain that Christ gave the law, and it is uncert
was intended to the law, custom is very useful in the
that is, the customs of the first and best ages of the
then the longer the custom did descend, still we have
fidence, because we have all the wise and good men o

bus nostris beneficium vespertini luminis non silentio suscipere, sed statim ut apparuit gratias agere. They said grace for their light as well as for their meat. This custom was good, for it was but the particular instance of a general duty.

§ 3. But then custom is to be allowed but as one topic, not as all: it is the best argument when we have no better; but it is the most unartificial of all arguments, and a competent reason to the contrary is much to be preferred before a great and long prescribing custom. Both these propositions are severally affirmed by the fathers of the church. The first by S. Austin in his epistle to Casulanus[n], *In his rebus de quibus nihil certi statuit scriptura divina, mos populi Dei vel instituta majorum pro lege tenenda sunt: et sicut prævaricatores legum divinarum, ita contemptores consuetudinum ecclesiasticarum coercendi sunt.* The holy catholic church is certainly guided by the Spirit of God, and therefore where the question is concerning any thing that is not clear in scripture, the customs of the catholic church are not to be despised; for it is to be presumed (where the contrary is not proved) that she piously endeavours, and therefore is graciously assisted in the understanding of the will and commandments of her Lord: and in this sense custom is the best interpreter, because there is no better, and no clearer light shining from any angle[o].

§ 4. Custom can thus in cases of destitution of other topics declare the meaning of a law; but custom of itself cannot be the interpreter of the will of Christ, or a sufficient warrant of a law, or immediately bind the conscience as if it were a signification of the divine pleasure: much less ought it to be opposed to any words of scripture or right reason, and proper arguments derived from thence. And that is the other thing which I also said is taught us by the fathers of the church. So S. Cyprian[p], *Frustra quidam qui ratione vincuntur consuetudinem nobis opponunt, quasi consuetudo major sit veritate, aut non id sit in spiritualibus sequendum quod in melius fuerit a S. Spiritu revelatum;* 'in vain is custom opposed to reason, as if it were greater than truth: not custom, but that which is best, is to be followed by spiritual persons, if any thing better than custom be revealed by the Spirit of God.'

§ 5. All good customs are good warranties and encouragements, but whether they be good or no is to be examined and proved by the rule and by the commandment: and therefore the custom itself is but an ill indication of the commandment; from whence itself is marked for good, or else is to be rejected as reprobate and good for nothing. *Consuetudo auctoritati cedat; pravum usum lex et ratio vincat: cum vero nec sacris canonibus nec humanis legibus consuetudo obviare monstratur, inconcussa servanda est,* said Isidore[q], 'Let cus-

[n] [So quoted by Gratian, decret. part. 1. dist. xi. cap. 7. col. 41, but the latter clause is not in the text of the author, epist. xxxvi. cap. i. tom. ii. col. 68 E.]

[o] ['angel' B, C, D.]

[p] Ad Jubaian. [epist. lxxiii. p. 203.]

[q] In synonymis, lib. ii. [vid. § 80. tom. vi. p. 517.]

tom yield to authority, to law and to reason; but when it agrees with the laws of God and of man, let it be kept inviolate.'

§ 6. When custom is consonant to some other instrument of probation, when it is apparently pious and reasonable, and of the analogy of faith, it is an excellent corroborative and defensative of truth, and warrant to the conscience; but when it stands alone, or hath an ill aspect upon other more reasonable and effective ways of persuasion, it is very suspicious and very dangerous, and is commonly a very ill sign of an ill cause, or of corrupted manners. Cedrenus[r] tells that 'the patriarch Abraham was wont to say that there is great difference between truth and custom; that being very hard to be found, this, whether good or bad, being obvious to every eye: and which is worse, by following custom a man gets no comfort if it be in the right, and no great shame if it be in the wrong, because he relies not upon his own reason, but the judgment of old men that lived long ago, who whether they judged wisely or foolishly must appear by some other way: but this he will find, that it will be very hard to leave it, though it be never so foolish and ridiculous.'

§ 7. Of what obligation in matters of practice, and of what persuasion in the enquiries of truth ecclesiastical customs are to be esteemed, I shall afterwards discourse when I treat of ecclesiastical laws: but that which I would persuade for the present is, that the customs and usages of the world are but an ill commentary on the commandments of our blessed Lord.

§ 8. 1) Because evil is crept into most of the manners of men; and then a custom is most likely to transmit her authority to that which ought to be destroyed. *Inter causas malorum nostrorum est, quod vivimus ad exemplar; nec ratione componimur, sed consuetudine abducimur. Quod si pauci facerent, nolumus imitari; quum plures facere cœperunt, quasi honestius sit quia frequentius, sequimur, et recti apud nos locum tenet error, ubi publicus factus est,* so Seneca[s] complained: 'it is one great cause of our mischiefs, that we are not led by truth, but led away by custom; as if a thing were the honester because it is frequent; and error becomes truth when it is common and public.' Excellent therefore was that saying of pope Nicolas the first[t], *Parvus numerus non obest ubi pietas abundat: magnus non prodest ubi impietas regnat;* 'if right and religion be on our side, the smallness of our company is nothing, but a multitude cannot justify impiety.'

§ 9. 2) Custom in moral practices becomes law to men by pressing upon their modesty, and by outfacing truth and piety; so that unless the custom have warranty from the law, it hath the same effect against a law as for it; and therefore in such cases is at no hand to be trusted, but at every hand to be suspected, lest it make it necessary

[r] Hist. compend. fere in initio. [tom. i. p. 31 A. ed. fol. Par. 1647.]

[s] Epist. lviii. [lege cxxiii. tom. ii. p. 614.]

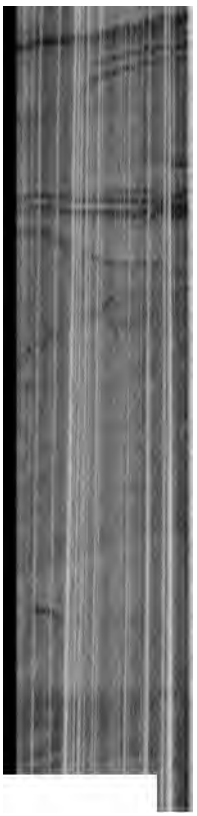
[t] [Vid. epist. viii. ad Michael. imp. concill. Harduin., tom. v. col. 159. fin.]

that men become vicious. The customs of the German and neighbour nations so expound the laws of Christ concerning temperance, that if by their measures it be defined, it looks so like intemperance, as milk to milk; and the common customs of the world expound all the laws of the blessed Jesus so as to be truly obligatory at no time but in the danger, or in the article of death: but certainly it is but an ill gloss that evacuates all the holy purposes of the commandment; and at the day of judgment, when we shall see numberless numbers of the damned hurried to their sad sufferings, it will be but an ill apology to say, I did as all the world almost besides me, by whose customs I understood the laws of the gospel to a sense of ease and gentleness, and not by the severity of a few morose preachers. Poggius[u] tells of a Neapolitan shepherd, that against Easter going to confession, he told his confessor with a tender conscience and great sorrow of heart that he had broken the holy fast of Lent, by chance indeed, but yet with some little pleasure; for when he was pressing of a new cheese, some of the whey start[v] from the vessel and leaped into his mouth, and so went into his stomach. The priest smiling a little at the fantastic conscience of the man, asked him if he was guilty of nothing else. The shepherd saying, he knew of nothing else that did or ought to trouble him, his confessor knowing the customs of those people upon the mountains of Naples, asked him if he had never robbed or killed any strangers passengers. 'O yes,' replied the shepherd, 'I have often been at that employment; but that we do every day, and always did so, and I hope that is no sin:' but the cheese, the forbidden cheese stuck in his stomach, because every one did abominate such meat upon fasting-days; only the custom of killing and stealing had hardened his heart and forehead till it was not perceived.

——— dedit hanc contagio labem,
Et dabit in plures: sicut grex totus in agris
Unius scabie cadit, et porrigine porci,
Uvaque conspecta livorem ducit ab uva[x].

§ 10. Evil manners begin from one evil man, or from one weak or vicious principle, and pass on to custom, and then to be virtuous is singularity, and it is full of envy; and concerning the customs of the world it is ten to one if there be not some foulness in them. The advice therefore of S. Cyprian[y] is a good compendium of this enquiry. *Consuetudo quæ apud quosdam obrepserat, impedire non debet quo minus veritas prævaleat et vincat; nam consuetudo sine veritate vetustas erroris est: propter quod relicto errore sequamur veritatem; scientes quod . . veritas vincit, . . veritas valet et invalescit in æternum, et vivit et obtinet in sæcula sæculorum:* 'custom ought not to prevail against any truth; but truth which is eternal will live and

[u] [Facet., p. 439. op. fol. Bas. 1538.]
[v] ['started' C, D.]
[x] Juven. sat. ii. [78.]
[y] Ad Pompei. [epist. lxxiv. p. 215.]



§ 12. To this some of eminence in the church of affirmatively; and are so far from blushing that man are derived from the customs of heathens, that they ow reasonable, and prudent, and pious, according to th practice of Gregory surnamed Thaumaturgus, who (Nyssen[a] reports) that he might allure the common pe of christianity, gave way that those dances and solem they celebrated to the honour of their idols should b but diverted to the honour of the saints departed; supposes it to be no other than as the Israelites takin and brass from the Egyptians, and employing it in the tabernacle. And in particular, the custom of burning honour of the virgin Mary he imputes to the same owns it to be of heathenish extraction. The same al other instances avowed by Polydore Vergil[b]; by F books of the antiquities of France; by Du Choul[d], Bellarmine[f], who brings this as an argument for t purgatory, because the Jews, the Turks, and the he lieve something of it; it being very likely, that w nations consent in, derives from the natural light of is common to all men: and upon this very thing car boasts in the behalf of the service in an unknown ton only the Greeks, and many other christian churches, religions, the Persians and the Turks use it.

This pretence therefore is fit to be considered.

1) Therefore I answer, that it is true that the pri did sometimes retain some ceremonies which the heath they were such ceremonies which had no relation to

might be made apt for order and decent ministries external. Such were the garments of the priests, lights, girdles, fasts, vigils, processions, postures, festivals and the like; and they did it for good reason and with good effect, that the people who were most of all amused with exterior usages, finding many of their own customs adopted into christianity, might with less prejudice attend to the doctrines of that persuasion which so readily complied in their common ceremonies. This did well enough at first, and was a prudent imitation of the practice of our great Master, who that the Jews might the easier pass under His discipline and institution, made the passage as short, and the difference as little as could be; for since He would retain but two external ministries in His whole institution, He took those rites to which the Jews had been accustomed; only He made their baptisms sacramental and effective of great purposes, and some of the paschal rites He consecrated into highest mystery; retaining apparent footsteps, or rather bodies of their government and discipline ecclesiastical. And this proceeding we find owned and justified by S. Austin against Faustus the Manichee, and S. Hierome against Vigilantius, and Ephraim Syrus of old; and of later times by Alcuinus[h], Amalarius[i], and by Gratian[k]; and who please to see it more largely pleaded for may read Mutius Pansa his *Osculum christianæ et ethnicæ philosophiæ*, and Nicolaus Mont-Georgius *De Mosaico jure enucleando:* and that it may be reasonable from the services of such men from whom we justly abhor to borrow some usages, is excellently discoursed of by Mr. Hooker in his fourth book of Ecclesiastical Polity[l].

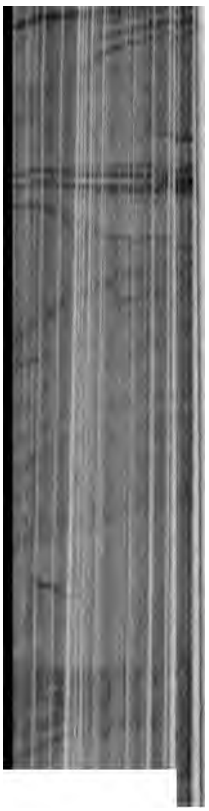
§ 14. But however this might fit the necessities and circumstances of the infant ages of the church, yet they ought not to be done easily, but ever with very great caution. For though it served a present turn, yet it made christian religion less simple and less pure; but by becoming a miscellany it became worse and worse. It was or might be at the first a complying with the infirmities of the weak, a pursuance of S. Paul's advice so to do; but when these weak persons are sufficiently instructed in the religion, and that to dissent is not infirmity, but peevishness and pride, or wilfulness, all compliance and condescension is no longer charity, but gives confidence to their error. For when the reasonable discourses of the religion will not satisfy the supposed weak brother, he that complies with him confesses his better way; and when learned men follow the ignorant to superstition, they will no longer call it compliance and condescension, but duty, and necessity, and approbation. A good man will go a little out of his road to reduce the wandering traveller; but if

[h] De divinis offic. [Formerly attributed to Alcuin, but classed as supposititious in the later editions of his works. See Mabillon, annal. ord. S. Bened., lib. xxvii. § 31. tom. ii. p. 368.]

[i] De offic. eccles. [lib. iii. cap. 43. max. bibl. vet. patr., tom. xiv. p. 1001 A.]

[k] De consecrat. [decret. part. iii. dist. i. cap. 2. col. 2049.]

[l] [See a learned and interesting tract on this subject, attributed to Bishop Andrewes, and published with his 'Pattern of catechistical doctrine,' 8vo. Oxon. 1846; which Taylor appears to have seen.]



tians do so, though the ceremony of itself was who
And when many christian churches had taken some
monies into their Christmas solemnity, being occasion
cumcision of Christ falling on the calends of January
day, they were not only forbidden in the council of
the church did particularly appoint private litanies, pr
austerities, to be used for three days within the twelve
ad calcandam gentilium consuetudinem, 'to destroy an
the superstitious customs of the heathen,' which by t
and fondness of some Christians had dishonoured the
innocency of the Christmas festivity; as we find noted
of the synod of Turi[p]. Sometimes there had been re
these things: but when in the days of persecution some
Christians did shelter themselves under the cover of su
ceremonies, and escaped the confession of christianity b
things of like custom, or when the folly and levity of
these instruments passed on to vanity or superstition, th
with care did forbid the retaining of heathenish custor
been innocent but for such accidents. In these thing
may use her liberty, so that 'all things be done to edifi

§ 15. 2) But if the customs and rites be such as are
any point of doctrine, whatsoever it be that derives fro
toms must also be imputed to their doctrines; and t
their customs will be also to mingle the religions, to bl
darkness, and to join Christ with Belial. It had be
objection which Faustus the Manichee made against
that they did remove the worship from idols, and giv
and martyrs. S. Austin, who was to answer the objecti
justify, but did deny the fact, as to that instance and son

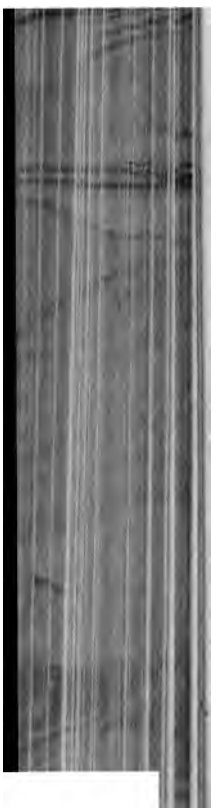
mony, or such an opinion, it will be supposed to come from the light of nature. For there are not many propositions in all which nature can teach; and we should know but a very few things if we did not go to school to God, to tutors, to experience, and to necessity. This pretence would not only establish purgatory, but the worship of images, and the multitude of gods, and idololatrical services, and very many superstitions, and trifling observances, and confidences in dreams, and the sacrifice of beasts, and many things more than can well become or combine with christianity. When not only some nations but all agree in a proposition, it is a good corroborative, a good second to our persuasions, but not a principal; it gives advantage but not establishment, ornament but not foundation to a truth: which thing if it had been better observed by the Christians who from the schools of Plato, Chrysippus, Aristotle, and Epicurus, came into the schools of Christ, or from the temples of Jupiter and Apollo into the services of the church, christianity had been more pure and unmingled than at this day we find it. The ceremony of sprinkling holy water was a heathenish rite, used in the sanctifications and lustrations of the capitol, as Alexander ab Alexandro relates: but because this is not a ceremony of order or circumstance, but pretends to some real effect, and derives not from Christ or His apostles, but from the gentiles, and relies upon the doctrine of the effect of such ceremonies, it is not justifiable. Burning candles by dead bodies was innocent and useful to them that attended in the vigils before interment; but when they took this from the custom of the heathens, who thought those lights useful to the departed souls, they gave a demonstration by the event of things that they did not do well: for the Christians also derived superstitious opinion along with the ceremony, and began to think that those lights did entertain the souls in those cemeteries; and this produced the decree of the council of Eliberis[a], that wax candles should not be burnt in the day time, 'lest the spirits of the dead be disturbed.' Now when any false principle is in the entry of the ceremony, or attends upon it, or any superstition be in the progress or in the end of it, any scandal, or any danger, such customs are not at all to be followed, such rituals are not to be imitated or transcribed; that is, no custom is a warranty for any evil.

RULE XX.

THE MEASURE OF PERFECTION AND OBEDIENCE EXPECTED OF CHRISTIANS IS GREATER THAN THAT OF THE JEWS, EVEN IN MORAL DUTIES COMMON TO THEM AND US.

§ 1. It matters not whether Christ's law have in it more precepts than were in the law of Moses: our work is set before us, and we

[a] Can. 34. [tom. i. col. 254.]



cellent graces, and the promise of the holy Spirit is ask Him; it is infinitely reasonable to think that t commandment superadds nothing new in the mat troduce something new at least in the manner or obedience.

§ 2. They and we are both of us to pray; but we to pray fervently, frequently, continually. They we able, and so are we: but they were tied to be so to to their neighbours, but we to our enemies; and instances they were tied to be so, yet we are bound men are our neighbours, and more are our brethren, duty. They were to do them no hurt, but we must They were to forgive upon submission and repentanc invite them to repentance, and we must offer pardon. give bread to their needy brother, but we are in sor him our lives. They were to love God 'with all with all their strength,' and though we cannot do mo we can do more than they did; for our strengths ar derstandings are better instructed, our shield is str breast-plate broader, and our armour of righteousn proof than theirs was. Dares and Entellus[t] did bot all their strength; but because Entellus had much other, he was the better champion.

§ 3. 1) This rule does principally concern christia communities of men; that their laws be more holy dition of the subjects be more tolerable, that wars t commenced, that they be with more gentleness acted of Christ be enforced, that malefactors be not permitt more discouraged, that nothing dishonourable to r

Redeemer, that in all things Christ may be honoured by us more than Moses was by them, and that God through Jesus Christ be more glorified than He was in the levitical government.

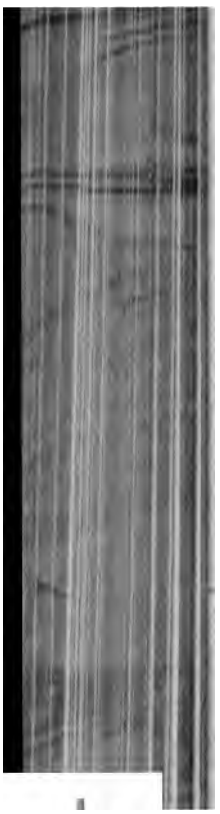
§ 4. 2) This also concerns single persons; that they certainly abstain from all those imperfections of duty which were either permitted in the law, or introduced by the commentaries of their doctors, or inferred by the general declination of their first piety, and the corruption of manners. The Jews would not take usury of a needy Jew, but of a needy stranger they would: but we must consider them with a more equal eye, we must be charitable to all; for to a Christian no man that needs and asks him is a stranger. The Jews had great liberty of divorces indulged to them, a Christian hath not the same; but in that in which he is permitted, he is not to be too forward.

§ 5. 3) In matters of duty a Christian is to expound his obligation to the advantage of piety, to security of obedience, to the ease of his brother, and the pressing upon himself; that whatever be the event of his temporal affairs, he secure his spiritual interest, and secure justice though to the loss of his money, and in all doubts determine for duty rather than for interest: the Jews went not beyond the letter of the commandment.

§ 7. 4) In the interior acts of virtue a Christian is to be more zealous, forward, operative and busy, frequent and fervent; he must converse with God by a more renewed entercourse, give himself no limits, always striving to go forward, designing to himself no measure but infinite in the imitation of the perfections of God, and the excellencies of His most holy Son.

§ 7. 5) In the exterior acts of virtue Christians must according to their proportion be ashamed to be outdone by Jews, not only in what they did in obedience, but also in what they in good and prudent zeal for the law of Moses did expend or act. I say, what they did act in good and prudent zeal for their law. Thus they adorned their temple, freely gave contributions for its support and ornament, loved all of their persuasion, endeavoured to get proselytes; and therefore are in these things not only to be imitated, but to be outdone, because all this was a prudent and zealous prosecution of their duty. But when in zeal they did not only love their own sect, but hate and persecute and were uncivil to all of another persuasion, this was zeal indeed; but it was folly too and a work of the flesh, and therefore not to be imitated by Christians, who are the servants of the Spirit.

§ 8. 6) Where Christians are left to their liberty in those instances in which the Jews were bound, Christians ought freely to do as much as they did by constraint and by necessity: for then properly we do more than they, when we voluntarily choose what was imposed on them; it is not more work, but it is more love. Thus the Jews were bound to pay tithes to the Levites, we are commanded to main-



which any such thing can intervene and alter this must be allowed for in the proportions of increas manded of the Christian. The Jews gave great co temple; but it was but one, and therefore it is not that every christian church in such a multitude sh and rich like the temple of Jerusalem.

§ 9. 7) Where Jews and Christians are equally left it is infinitely reasonable and agreeable to the excel ligion that Christians should exceed the Jews. Thus the erecting of the tabernacle the Jews brought silve other materials till they had too much, and the pe manded to cease and bring no more. Now when an o in itself and more proportionable to the religion calls offering and voluntary contribution, if the instance b proportionable to the gospel as that was to the law of cellency of the religion and the dignity of the work an our grace and love require of us to be more ready a in equal proportions.

§ 10. 8) In those graces which are proper to the such which are the peculiar of Christians, literally and of us, and but obscurely insinuated, or collaterally a sequence of something else required of them; it can the obedience which we owe should be more ready, th frequent, the degrees more intense; because every ac commandment hath no other end but to be an advanc and what was obscurely commanded can be but dully p Christian's duty must be brisk, and potent, and volunt and forward, and intense, in proportion to greater merc a better law, to a more determined conscience, to a cle to more terrible threatenings, and to the better promises

actions by proportion to the best, and the rare persons under the Mosaic law, in their best and heroic actions. For who can do more than David did after he had procured the waters of Bethlehem to cool his intolerable thirst, but to deny his appetite, and refuse to drink the price of blood? who can do more than he did and would have done toward the building of the temple? who can give better testimony of duty to his prince than he did to Saul; who can with more valour and confidence fight the battles of the Lord? who can with more care provide for the service of God, and the beauty and orderly ministries of the tabernacle? who can with more devotion compose and sing hymns to the honour of God? In these and such as these David was exemplary: and so was Moses for meekness, and Job for patience, and Manasses for repentance, and Abraham for faith, and Jacob for simplicity and ingenuity, and Enoch for devotion: these in their several periods before and under the law were the great lights of their ages, and set in eminent places to invite forward the remiss piety of others, alluring them by the beauty of their flames to walk in their light and by their example. And it is well if Christians would do as well as these rare personages in their several instances. But as some women are wiser than some men, and yet men are the more understanding sex, and have the prerogative of reason and of government; so though some persons of the old religions were better than many of the new (of the religion of Jesus Christ) yet the advantage and the increase must be in the christian church, which must produce some persons as exemplary in many graces as any of these hath been in any one.

§ 12. 10) But then as to single persons;

α) Every man must observe those increases of duty which our blessed Saviour either by way of new sanction or new interpretation superadded to the old, in the sermon upon the mount.

β) Every man must do in proportion to all the aids of the Spirit which the gospel ministers, all that he can do; which proportion if he observes, it will of itself amount to more than the usual rate of Moses' law, because he hath more aids.

γ) He must be infinitely removed from those sins to which they were propense, and which made God to remove them out of his sight; such as were idolatry, the admitting of strange gods, infidelity, obstinacy, hypocrisy, and sensual low appetites: because these were the crimes of an ignorant uninstructed people in respect of what the Christian is; and for a Christian to be an idolater, or easily divorced, or incredulous, as they were, is therefore the more intolerable, because it is almost removed from his possibilities; he can scarce be tempted to such things who knows any thing of the doctrine of the gospel.

δ) There is no other positive measures of his duty, but that which can have no measure itself, and that is love; and a Christian must therefore exceed the righteousness of the subjects of Moses' law,

because they must do all their works in faith and love: in faith, to make them accepted, though they be imperfect; in love, to make them as perfect as they can be. Now he that loves will think every thing too little; and he that thinks so will endeavour to do more, and to do it better: and Christians that have greater experience of God, and understand the nature of charity, and do all of them explicitly and articulately long after the glories of an eternal love, and know that all increase of grace is a proceeding towards glory, need no other argument to enforce the duty, and no other measure to describe the duty of this rule, but to reflect upon the state of his religion, the commandments, the endearments, the aids, the example, the means: all which are well summed up by S. John[u], "Beloved, we are the sons of God, and it does not yet appear what we shall be; but we know that when He shall appear we shall be like Him, for we shall see Him as He is: and every man that hath this hope, purifieth himself as God is pure." That is, we are for the present children of God by adoption, sealed with His spirit, renewed by regeneration, justified by His grace, and invited forward by most glorious promises, greater than we can understand. Now he that considers this state of things, and hopes for that state of blessings, will proceed in duty and love toward the perfections of God, never giving over till he partake of the purities of God and His utmost glories.

I add no more but this, that in the measures of the practice of this rule there is no difficulty, but what is made by the careless lives of Christians and their lazy and unholy principles. At the rate as Christians usually do live, it is hard to know how and in what instances and in what degrees our obedience ought to be more humble and more diligent than that of Moses' disciples. But they that love will do the thing, and so understand the rule. *Obedite, et intelligetis,* 'Obey, and ye shall understand.'

Concerning the interpretation of the laws of the most holy Jesus, I know of no other material consideration here to be inserted. Only there are several pretences of exterior and accidental means of understanding the laws of Christ; which because they are derived from the authority or from the discourses of men, they are more properly to be considered in the rules concerning human laws, which is the subject of the next book, where the reader may expect them.

[u] [1 John iii. 2, 3.]

THE END OF THE SECOND BOOK.

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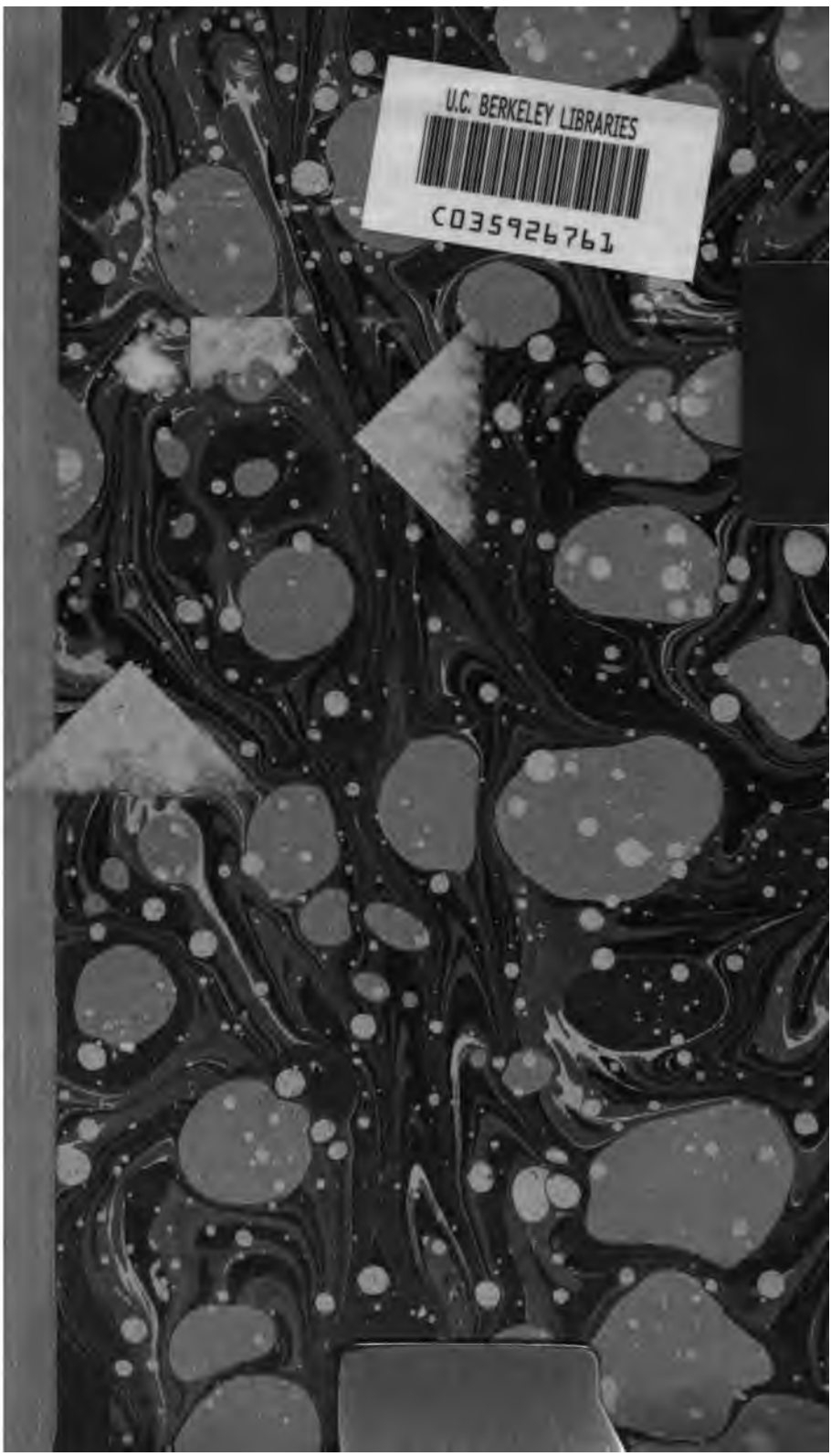
Pref. p. [v]

Wisdom xvii (pp. 25-26)

Dreams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